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JOURNAL

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OF THE

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HOUSE OF REPRESENTATIVES

OF THE

STATE OF TENNESSEE,

AT THE

TWENTY-FIFTH GENERAL ASSEMBLY,

HELD AT NASHVILLE.

ON MONDAY, THE 2^d DAY OF OCTOBER, 1843.

KNOXVILLE:

E. G. EASTMAN AND L. GIFFORD,

PRINTERS TO THE STATE.

1844.

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1843/44c

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

FOR 1843-4.

General Assembly of the State of Tennessee, began and held in the City of Nashville, on Monday, the second day of October, one thousand eight hundred and forty-three, being the first session of the twenty-fifth General Assembly of said State:

On which day, being that appointed by the Constitution, the following named Representatives appeared; produced their credentials, and took their seats. The several oaths required by the Constitution having been administered to each member present, by the Hon. Wm. K. Turner, one of the Judges of the State of Tennessee, aforesaid, to-wit:

From the counties of

Carter and Johnson—Godfrey Nave.

Sullivan—Jesse Cross.

Washington—William H. Crouch.

Greene—Samuel Milligan.

Hawkins—James M. Hord.

Washington, Greene and Hawkins—Daniel Kinney.

Cocke and Sevier—Wilson Duggan.

Jefferson—James H. Carson.

Grainger—Martin Cleaveland.

Claiborne—William Houston.

Campbell and Anderson—Richard D. Wheeler.

Knox—James Williams.

Blount—Robert H. Hodsden.

Monroe—John J. Humphreys.

Roane—Isaac T. Lenoir.

McMinn—Pierce B. Anderson.

Polk, McMinn and Monroe—John Hughes.

Rhea and Meigs—Wm. Wan.

Bradley—James Lauderdale.

Bledsoe and Morgan—C. Sherrill.

Hamilton—Wm. I. I. Morrow.

Marion and Hamilton—Daniel R. Rawlings.

Overton—G. T. Huddleston.

Jackson—Richard P. Brooks.

White—John W. Dearing.

Fentress, White and Van Buren—John B. Rodgers.

Warren—Geo. R. Smart.

DeKulb—Daniel Coggin.

Cannon—Henry Trott.

Coffee—L. Bobo.

Franklin—Thomas H. Garner.

Lincoln—Henry Turney.

Giles—John W. Goode.

Lincoln and Giles—Robert Farquharson.

Bedford—Daniel L. Barringer.

Marshall—Thomas C. H. Miller.

Bedford and Marshall—Thomas Black.

Maury—Wm. H. Polk and Powhattan Gordon.

Williamson—Abram P. Maury and Joel Walker.

Davidson—John Trimble and Charles W. Moorman.

Wilson—Thomas K. Roach and James Hamilton.

Smith—Isaac Goodall and James B. Moores.

Sumner—Elijah Boddie and Stephen H. Turner.

Robertson—Robert Cheatham.

Rutherford—John W. Richardson and Wm. C. I. Butrus.

Montgomery—John D. Tyler.

Stewart—Wm. B. Cherry.

Dickson—John Eubank.

Humphreys and Benton—James Wylie.

Hickman—Pleasant Walker.

Perry—Robert Crudeup.

Lawrence—Thomas D. Deavenport.

Wayne—Jonathan Morris.

Hardin—Christopher H. McGinnis.

McNairy—Mathew A. Trice.

Henderson—Thomas E. Jordan.

Carroll—Yancey Bledsoe.

Henry—Owen H. Edwards.

Weakley—W. S. Scott.

Gibson—Hugh Y. Bone.

Madison—John B. Cross.

Haywood—William P. Bond.

Hardeman—Austin Miller.

Fayette—George W. Fisher.

Shelby—Adam R. Alexander.

Hardeman, Fayette and Shelby—Wm. T. Avery.

Tipton and Lauderdale—Philip B. Glenn.

A quorum consisting of the majority of the whole number of members, being present, on motion of Mr. Hodgeson, Mr. Alexander, of Shelby, was called to the chair, and the House proceeded to the election of Speaker, to preside over their deliberations. Daniel L. Barringer, Representative from the county of Bedford, and Wm. H. Polk, Repre-

sentative from the county of Maury, being in nomination, and on taking the vote *viva voce*, the following was the result:

For Barringer, messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Morris, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams, 39.

For Wm. H. Polk, messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wan, and Wyly, 33.

For Richard P. Cheatham, Mr. Barringer, 1.

For Adam R. Alexander, Mr. Polk, 1.

It appearing that Mr. Barringer had received a majority of all the votes, he was declared duly elected, and being conducted to the chair, made his acknowledgements to the House.

Mr. Black submitted the following resolution:

Resolved, That the House now proceed to the election of a principal and two assistant clerks.

Which resolution was adopted.

The House thereupon proceeded to the election of principal clerk.

S. D. Mitchell, John P. Pryor, John H. Colville, and E. Keizer, being in nomination, and on taking the vote of the House *viva voce* the following is the result:

For Mitchell, messrs. Black, Bledsoe, Boddie, Brooks, Carson, Cheatham, Cherry, Cleavland, Cross of Madison, Crouch, Deavenport, Dearing, Eubank, Farquharson, Goodall, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdon, Kinney, McGinnis, Miller of Marshall, Millegan, Moorman, Morris, Nave, Roach, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer, 38.

For Pryor, messrs. Alexander, Avery, Bond, Cross of Sullivan, Fisher, Glenn, Goode, Gordon, Maury, Miller of Hardeman, Polk, Scott, and Trice, 13.

For Keizer, messrs. Burrus, Crudup, Edwards, Huddleston, Richardson, and Sherrill, 6.

For Colville, messrs. Anderson, Bobo, Bone, Coggin, Duggan, Garner, Hughes, Lauderdale, Lenoir, Morris, Morrow, Rawlings, Rodgers, Smart, Trott, Turney, and Wan, 17.

It appearing that Mr. Mitchell had received a majority of all the votes given in said election, he was thereupon declared by the Speaker to be duly elected principal Clerk of the House of Representatives, and the oath of office was thereupon administered to him by the Hon. Wm. K. Turner, one of the Judges of the State.

And thereupon the House went into the election of first assistant clerk.

Thomas A. Brown, Henry L. Goodrich, G. J. Sullivan, Jas. W. Gillespie, Robert W. Campbell, James Walker, John Patten, F. G. Mason, James R. Bright, being in nomination; after having taken the vote of the House viva voce in said election for the eighth time without making an election,

On motion of Mr. Edwards,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the election of first assistant clerk, and in taking the vote of the House viva voce for the tenth time, the following was the result:

For Goodrich, Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Fisher, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 41.

For Brown, messrs. Anderson, Black, Bobo, Brooks, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquaherson, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Scott, Sherrill, Smart, Turner, Turney, Walker of Hickman, Wan, and Wiley, 33.

It appearing that Mr. Goodrich had received a majority of all the votes given in said election, he was thereupon declared by the Speaker duly elected first assistant clerk of the House of Representatives, and the oath of office was thereupon administered to him by the Hon. Wm. K. Turner, one of the Judges of the State of Tennessee.

The House thereupon proceeded to the election of second assistant clerk of the House viva voce.

James H. Gee, Wm. Lowry, Wm. J. Hatten, John L. French, A. G. Perkins, Pleasant M. Wade, E. M. Etheridge, P. A. Mitchell, John Blevins, Wm. Owens, Joseph M. Bunch, R. B. Robertson, Joseph C. Rhea, and Thomas J. Whitfield, being in nomination; and after taking the vote of the House viva voce for the first time without making an election Mr. Polk withdrew the name of Mr. Whitfield from the nomination.

After taking the vote of the House for the fifth time viva voce in said election, Mr. Cheatham moved that after taking the vote of the House for the sixth time the candidates receiving the lowest number of votes shall be withdrawn after each successive voting of the House, until some one of the candidates shall be duly elected second assistant clerk of the House.

And the question being taken on agreeing to said motion, it was determined in the affirmative,

The yeas and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Black, Bobo, Boddie, Bond, Burrus, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Farquaharson, Garner, Goode, Hamilton, Houston, Huddleston, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turner, Turney, Tyler, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Anderson, Avery, Bledsoe, Brooks, Carson, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Deavenport, Buggan, Edwards, Eubank, Fisher, Glenn, Goodall, Gordon, Hodsdon, Hughes, Hord, Humphreys, Jourdan, Kenney, Lauderdale, Maury, Milligan, Nave, Polk, Rawlings, Sherrill, Trott, Walker of Williamson, Walker of Hickman, Wan, and Williams.

So said motion prevailed.

Message from the Senate; by Mr. Cocke, their Clerk:

MR. SPEAKER: I am directed to inform the House of Representatives that a quorum of the Senate did assemble in the Senate chamber on this day, in obedience to the constitution of the State; they have elected Josiah M. Anderson, Senator from the county of Marion, their Speaker; John Cocke, jr., their principal clerk; Alexander A. Kirkpatrick their assistant clerk, and John T. Sevier their door-keeper; and the Senate being fully organized, is now ready to proceed to legislative business.

After having taken the vote of the House *viva voce*, for the twelfth time, without making an election for second assistant clerk,

On motion of Mr. Farquharson,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY, OCTOBER 3d, 1843.

The House met pursuant to adjournment, and resumed the election of second assistant clerk.

On taking the vote of the House *viva voce*, for the fifteenth time, the following was the result:

For Wade, messrs. Avery, Bledsoe, Bobo, Boddie, Bone, Brooks, Burrus, Coggin, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Goodall, Goode, Hamilton, Huddleston, Jourdan, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, and Mr. Speaker Barringer, 44.

For Bunch, messrs. Alexander, Anderson, Black, Bond, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan,

Duggan, Fisher, Garner, Glenn, Gordon, Hodsdon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Maury, Miller of Marshall, Nave, Walker of Williamson, Wann, Wheeler, Williams, and Wyley, 30.

It appearing that Wade had received a majority of all the votes given in said election, he was thereupon declared by the Speaker duly elected second assistant clerk of the House of Representatives, and the oath of office was administered to him by the Hon. Wm. K. Turner, one of the Judges of the State of Tennessee.

Mr. Carson submitted the following resolution:

Resolved, That the House now proceed to the election of principal and assistant door-keeper.

Which resolution was adopted.

Mr. Maury submitted the following resolution:

Resolved, That at each successive balloting the person having the lowest number of votes be dropped; and in the event that several persons are tied at the lowest number, they be all dropped.

On motion of Mr. Goodall,

Said resolution was ordered to the table.

The House then proceeded to the election of principal door-keeper, Messrs. John Burris, J. H. Alexander, B. H. Peyton, James Burr, Eli Moss, Thomas Cassady, John H. Bullock, Benj. Tucker, Newton S. Julian, David Shropshire, C. Pucket, Jilmun S. Tidwell, Anderson A. Vincent, John Gilentine, John Mason, George Whitten, John C. Spink, John Bell, A. B. Lea, Jonathan Thomas, Jesse Adkins, Joseph H. Rice, John H. Scruggs, and David J. Carr, being in nomination.

And on taking a vote of the House *viva voce*, in said election for the sixth time, the following was the result:

For Carr, messrs. Alexander, Alderson, Black, Boddie, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, Wyly, and Mr. Speaker Barringer, 29.

For Farvell, messrs. Avery, Bledsoe, Bond, Bone, Burrus, Cheatham, Cross of Madison, Crudup, Duggan, Jourdan, Moorman, Richardson, Roach, Trice, Trimble, and Tyler, 16.

For Adkins, messrs. Carson, Lenoir, Morrow, Rawlings, Rodgers, Sherrill, Wheeler, and Williams, 8.

For Peyden, messrs. Goode, Maury, Morris, and Walker of Williamson, 4.

For Bell, messrs. Bobo, Dearing, and Hodsdon, 3.

For Cassedy, messrs. Brooks, Goodall, and Morris, 3.

For Pucket, Mr. Hamilton, 1.

It appearing that Mr. Carr had received a majority of all the votes given in said election, he was thereupon declared by the Speaker duly elected principal door-keeper of the House of Representatives and

the oath of office was administered to him by Enoch P. Connell, Esqr., an acting justice of the peace for Davidson county.

The House then proceeded to the election of assistant door-keeper, messrs. Pleasant M. Hornback, M. Tucker, Joshua Hickey, Edward Yarborough, William Williams, William Brooks, Julien C. Fagg, Henry West, Johnson Sampson, William Gibson, Thomas Reddy, Benj. Rutherford, John J. Morris, and John J. Evins, being in nomination.

And on taking the vote of the House *viva voce* twice without making an election,

On motion of Mr. Gordon,

The House adjourned until 2 o'clock, p. m.

AFTERNOON SESSION:

The House met according to adjournment, and resumed the election of assistant door-keeper, and on taking the vote of the House *viva voce* for the third time without making an election,

Mr. Walker of Williamson moved to suspend the election of assistant door-keeper.

Which motion prevailing,

Mr. Walker of Williamson submitted the following resolution:

Resolved, That a message be transmitted to the Senate, informing them that the House of Representatives is organized, and ready to proceed to business.

Which motion was adopted.

Ordered that the Clerk notify the Senate accordingly.

Mr. Walker of Williamson submitted the following resolution:

Resolved, That a joint committee be appointed to wait on his Excellency the Governor of the State, and inform him that the General Assembly is now organized and ready to receive any communication he may think proper to make.

Which resolution was read.

And thereupon Mr. Hodsdien offered the following as an amendment in lieu of said resolution:

Resolved, That a committee of four be appointed to join such committee as may be appointed by the Senate to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly are now organized, and are ready to receive any communication he may see proper to make, and that the Clerk of the House inform the Senate of the adoption of this resolution, and also the names of the committee that may be appointed for that purpose.

On motion of Mr. Bledsoe,

Said resolution and amendment was ordered to the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: I am directed to inform the House of Representatives that the Senate have adopted a resolution proposing the appointment of a joint select committee, to wait on his Excellency the Gov-

ernor of the State of Tennessee, and inform him that the two houses of the General Assembly are now organized and ready to receive any communication he may think proper to make, and they have appointed messrs. Cullom, Nelson, and Bradberry to be of said committee on the part of the Senate; in which resolution the Senate ask the concurrence of the House of Representatives.

On motion of Mr. Carson,

The House took up said resolution of the Senate.

Which was concurred in.

Whereupon the Speaker announced to the House the appointment of messrs. Walker of Williamson, Miller of Hardeman, Hodsden, Boddie, and Hamilton to be of said committee on the part of the House.

Ordered that the Clerk notify the Senate thereof.

The House then resumed the election of assistant Doorkeeper, and on taking the vote of the House, *viz* *voce*, for the seventh time and it appearing that Mr. Hornbeck had received a majority of all the votes given in said election, the Speaker declared that he was duly elected assistant Doorkeeper of the House of Representatives, and the oath of office was administered to him by Enoch P. Connell, Esq., a justice of the peace in and for the county of Davidson.

The vote of the House was as follows:

For Hornbeck, messrs. Anderson, Black, Bobo, Boddie, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Fairgharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Sherrill, Smart, Trott, Turner, Turny, Walker of Hickman, Wann, Wheeler, and Wiley.

For West, messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Cason, Chestam, Cleaveland, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Manry, Moores, Moerman, Morris, Morrow, Rawlings, Richardson, Beach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer, 36.

Mr. Boddie introduced

A bill, No. 1, to designate and fix permanently the seat of Government.

Which bill was read the first time and passed.

Mr. Richardson submitted the following preamble and resolution:

"Whereas, it is made the duty of the present General Assembly now in session, by the constitution of the State of Tennessee, to designate and fix the seat of Government within the first week after the commencement of the session thereof.

Resolved, That the seat of Government of the State of Tennessee be located at the county town in the county of which the geographical centre of the State may fall, and that commissioners from each grand division of the State be elected to ascertain said centre upon oath who shall proceed immediately to the discharge of their duty and when the centre shall be ascertained by them in the manner above prescribed, they shall report to the Governor of the State who shall make proclamation of the same."

Which resolution was read and laid on the table.

Mr. Bledsoe submitted the following preamble and resolution:

Whereas, By the constitution of the State of Tennessee adopted thirteenth of August, eighteen hundred and thirty-four, it is provided by the second section of the schedule, that the General Assembly which shall sit after the first apportionment of Representation under the new constitution, to-wit: in the year one thousand eight hundred and forty-three, shall within the first week after the commencement of the session designate and fix the seat of Government; therefore

Resolved by the General Assembly of the State of Tennessee, That the seat of Government of said State be, and the same is hereby fixed at _____ in the county of _____ and that in future the session of the General Assembly of said State shall be held at said place until otherwise provided by the constitution and laws of said State.

Which was read and laid on the table.

The Speaker laid before the House the following communication from John S. Young, Esq., Secretary of State:

Secretary of State's Office,

NASHVILLE; 3d OCTOBER, 1843.

To the Honorable Speaker of the House of Representatives:—

SIR: I herewith transmit to your honorable body such duplicate sealed proposals for executing the public printing as have been received by me in accordance with the act of 1835.

Respectfully, your obedient servant,

JOHN S. YOUNG,
Secretary of State.

On motion of Mr. Cason,

Ordered, That said communication and accompanying documents be laid on the table.

Mr. Walker of Williamson, from the Joint Select Committee, appointed to wait on the Governor, reported to the House that said committee had performed the duty assigned them, and that the Governor had informed them that he would send a communication in writing to each House of the General Assembly in a few moments.

The Speaker laid before the House a report from the President and directors of the Bank of Tennessee.

On motion of Mr. Trimble,

Ordered, That said report be laid on the table.

Mr. Black submitted the following resolutions:

Resolved, That the rules adopted for the government of the House of Representatives at the twenty-fourth General Assembly of the State of Tennessee be and they are hereby adopted as the rules for the government of the House of Representatives of twenty fifth General Assembly until otherwise ordered or others adopted.

2nd. *Resolved*, That a committee of five members be appointed to prepare and report rules for the order and government of this House.

3rd. *Resolved*, That the said committee on rules be authorised and requested to act in conjunction with a committee of the Senate to prepare and report joint rules and orders for conference between the Senate

and House of Representatives of the General Assembly of the State of Tennessee.

Which resolutions were read and adopted, and Messrs. Black, Alexander, Maury, Polk, and Williams were appointed to be of the committee upon the rules of the House as ordered by the second resolution.

A communication was then received from his Excellency the Governor of the State of Tennessee, by Mr. Young, Secretary of State, which was read at the Clerk's table; and is as follows:

Fell w Citizens of the Senate

and House of Representatives,

You have assembled again in conformity with the requirements of the Constitution for the purpose of advancing the public interest, as far at least, as this important end may be obtained by legislative action. Your position is truly delicate and responsible—to you has been confided the safe keeping of the honor of the State, and to your hands have been committed the peace and happiness of a large and flourishing community. The people look with eager expectation to the result of your deliberations. It is unnecessary that I should remind you of the high and solemn obligations imposed upon you. The dearest rights, the most sacred interests, and the future prosperity of a great and growing State are to be affected for weal or woe by your action whilst assembled in your Legislative character. Should your deliberations be marked by that calmness, harmony, and patriotism which ought ever to prevail in the Assemblies of the Representatives of the people, and for which I trust the Legislature of Tennessee may ever be distinguished, we may confidently anticipate the happiest results from your labors. But if a contrary practice should obtain, if passion or prejudice be substituted for reason and disinterestedness, if the Representatives of the people become more regardful of their own interest than the welfare of the country, if individual promotion or the advancement of party be deemed paramount to the general good and the vindication of correct principles, if the peace and honor of the country be forgotten and swallowed up in the vortex of personal or party aggrandizement, then, indeed, may the sincere patriot have much cause for despondency, while food will thus be furnished to the political profligate, the enemy of free institutions, to satisfy the cravings of his depraved and wicked appetite.

Feeling the deepest solicitude for the honor of the State, ardently attached, as I trust I sincerely am, to all that appertains to her interest, endeared to me as Tennessee is by the strongest ties, freely acknowledging the heavy debt of gratitude I owe to her generous sons, I cannot in justice to my own feelings forbear to invoke the assistance and guidance of Him, who rules and controls alike the destiny of men and nations. May He preside over your deliberations and give such a direction to your labors as will tend to preserve and perpetuate our rich inheritance of public liberty, cherish and sustain our free Institutions, promote the cause of rational liberty and virtue, and secure the prosperity and happiness of our common constituents.

The Legislative authority of our State Government has been vested

exclusively in a General Assembly elected by the people and to them alone responsible. The framers of the Constitution, appreciating the necessity and importance of wise and wholesome legislation, have made it incumbent on the General Assembly thus chosen to meet at least once in every two years. Without controverting the justice or propriety of this requirement, not doubting that the prosperity of a State and the happiness of her people depend in a pre-eminent degree upon the action of the Legislature—yet I think experience fully demonstrates that we have suffered as much and have more to apprehend from the evils of excessive legislation than from any want of the free exercise of this power.

The protection of the persons and property of the citizens, the defence of their rights and the security of their possessions, the establishment of rules of conduct by which all are to be governed so as to secure the greatest amount of good to the greatest number, are the objects to be obtained by legislation. In order to produce these ends, great and important as they are, it cannot be necessary that the country should be afflicted with the evils of excessive and useless legislation. The objects to be accomplished are few, plain, and well-defined, and the means best calculated to compass these ends, partaking of a similar character, require that our laws should be few and plain, addressed to the comprehension of those for whose benefit they are established, and whose conduct is by them to be regulated. Not intending to arraign the conduct or attack the motives of those who have contributed to the formation of the Statute Book—yet it must be apparent to all who have examined this subject, that there has been much useless and unprofitable, if not injurious legislation. After a free and much extended intercourse with our constituents of every portion of the State, I am perfectly satisfied that the interest of the country demands but little legislation, and that you will best serve the country and meet the wishes of those whom you represent, by diminishing rather than enlarging your Statute Book.

To obviate the difficulties growing out of the great confusion that exists in our laws, to lessen and diminish the necessity for future legislation, are objects recommended to your most serious deliberation. The Statutes will be found to be not only in great confusion, but in many instances so conflicting as to render their interpretation not only doubtful but absolutely contradictory. When we consider the great number of laws that have been passed from time to time, embracing as they do many large volumes, running back through a long series of years, it is not strange that much confusion should pervade the Statute Book—indeed such a result is unavoidable. As a means best calculated to obviate this difficulty, to render the law plain and intelligible, it is indispensable that the subject be submitted to the careful revision of some competent person or persons, with such reasonable compensation as would enable them to devote their time to the accomplishment of this important object. The necessity of revising the Laws of the State at proper intervals is too obvious to require any argument to demonstrate either its utility or importance—it has ever been the policy of the State and in the very nature of our system of legislation, its necessity will

be unavoidable. The improvements that have been made on the subject in the last few years are such as greatly to facilitate such a work, tending to a great diminution of the labor, and consequently, lessening the expenditure necessary for its accomplishment. I am aware that this suggestion will encounter objections on the ground of economy, and it is certainly proper that every thing that contemplates an expenditure of the public treasure should be approached with great caution and adopted only in view of its great utility or necessity. I am free to confess, that, at a time like this, and under the circumstances that surround us, an expenditure of the public money can only be justified for the purpose of removing a great and absolute evil. Fully satisfied as I am of the necessity and importance of this suggestion, and however anxious I may be to conform my official conduct to what may be supposed the public sentiment, yet I trust that no earthly consideration will ever deter me from pursuing the dictates of duty in advancing what I may conceive to be the interest of the country. I am and ever shall be the friend and advocate of a rigid economy in the expenditure of public money, but it must be borne in mind, that an expenditure of money does not necessarily imply extravagance. There is but one step, and that almost imperceptible, between real economy and its counterfeit resemblance. Real economy differs very much from a time serving parsimoniousness, and the former is as much to be admired as the latter detested. Of the necessity and importance of a revision of the laws, I apprehend there can be no controversy, but whether the condition of the Treasury be such as will justify its execution or its commencement at this time, is a question to be determined. I regard the proposition as one consulting the true interest of the State, and not at all conflicting with the suggestion of an enlightened economy. It would doubtless tend greatly to diminish much useless and unnecessary litigation—it would go far to secure to the citizen the enjoyment of his just rights, which, to say the least, are now involved in much doubt and uncertainty, and above all, it would, to a great extent, obviate the necessity for that interminable legislation and constant alteration and explanation of existing laws.

It will be remembered, that in the communication which I had the honor to submit to the General Assembly at its late Extra-Session, I recommended an investigation into the affairs of the Bank of Tennessee and its Branches. I regarded this suggestion, at that time, as necessary and proper. The same reasons that influenced my action then, have not ceased to exist, and I am, therefore, under the necessity of renewing the recommendation. Of the causes which led to the failure of this proposition, though strange and extraordinary, it is not necessary I should speak. The Legislature, at least in one of its Branches, differed with the Executive, and the proposition to examine the condition and management of the Bank and its Branches failed to be adopted.—The conflict thus existing on this subject, resulting as it did in its failure, at that session, was on my part most cheerfully submitted to the arbitrament of the public judgment, and no one I presume can be at any loss to discover what the verdict has been. The Bank of Tennessee is owned exclusively by the State. The close and intimate con-

nexin existing between the prosperity of this Institution and the interest of the people, demands of you the utmost vigilance in securing as far as possible its faithful and efficient administration—upon its successful management depends, in no small degree, the prosperity of the State. The failure to institute an investigation at the time before recommended, is much to be regretted—the more so, because it is manifest, that should an investigation be ordered at this session, as I trust it certainly will, the time that can be devoted to it must necessarily be short, and, consequently, the examination less full and satisfactory than it would have been under the favorable circumstances existing at the Extra-Session. In order to obviate this difficulty as far as possible, it will be proper that your attention be directed to the subject at an early day; and it is also worthy of consideration, whether it may not be necessary and proper, that a separate Committee be appointed for the Principal Bank and each one of its Branches. To rely on a single committee to examine all of the Branches would require much time and prolong your session to an unusual length. In appointing the Committees such powers should be vested as may be necessary and proper to enable the committees to accomplish the objects contemplated, and such reasonable compensation for their services allowed as may be right and proper.

By the provisions of the Charter of the Union Bank, the right to investigate its affairs is reserved to the State, and, as the State is largely interested in this Bank as a stockholder, it is proper that this power should be exercised. No such power is reserved to the State in the Charter of the Planters' Bank or the Merchants' and Farmers' Bank at Memphis; but should the Legislature desire to institute such an investigation, I doubt not those Institutions would yield a ready acquiescence.

The cause of Education is one that merits and will doubtless receive the most profound consideration. The great importance of this subject can scarcely be estimated—the dignity, honor, and future character of the State are so intimately connected with the subject as to entitle it to your most serious deliberation. In vain may we hope to arrive at any great distinction as a State, whilst this indispensable prerequisite of greatness is forgotten or disregarded. To be distinguished as a people, either for virtue or prosperity, it is essential that we become an enlightened, intelligent and thinking community. The importance of Education as it affects the happiness of a people, great as it is justly regarded, yet when its effects on the permanence of our Free Institutions are viewed, all other considerations sink into comparative insignificance. In order to form a just appreciation of our happy system of Government, it is important that the public mind should be so enlightened as to secure a just estimate of its blessing. To be free and happy, it is necessary to be virtuous and enlightened; and I doubt not the means best calculated to secure permanence to our Institutions and happiness to our citizens, will be found to exist in the promotion of virtue and the advancement of Education. If required to designate what I consider the strongest defence of Liberty, the means best calculated to secure its permanence, I should not point to your

Armies, to your proud and gallant Navy with the Banner of Freedom floating on every sea, for great and important as these may be, yet they are wholly insufficient—it is to your Schools, your Colleges, and your Academies; it is to the enlightenment of the people you must look as the ark of your safety, the Palladium of Liberty, the Bulwark of Independence, the last best hope of the Patriot and Philanthropist.—This important subject has from time to time engaged the attention of your predecessors—scarcely an Executive Message has been addressed to the General Assembly of this State for many years, which has not contained a strong appeal in behalf of Education. Something has been done, yet much remains undone. What patriot, who that loves the character of the State—what philanthropist—who that desires the happiness of his race, can turn to the statistics of the State and contemplate with indifference the vast multitudes of our countrymen, groping their way in darkness, bound by the iron fetters of ignorance. The heart that can look upon this picture without a shudder, is indeed a stranger to the generous sympathies of humanity, lost to the high and ennobling impulses of a lofty patriotism. Something I repeat has been done, and the difficult yet pleasing task of devising plans for the furtherance of this important interest is assigned to you as a co-ordinate branch of the Government. I shall most cheerfully co-operate in executing any plan that your wisdom may suggest for the accomplishment of this important object. In pressing the demands that the cause of education possesses on the patronage of the State, in urging its claims to public munificence, I would not overlook or underrate the necessity and importance of individual effort and individual enterprise, for it is to these sources we should mainly look for success. I fear there are those who look to the Government to do more than it has the ability to perform—each individual should exert the full measure of his power to advance this important cause, and, by a combination of exertion, we may anticipate the accomplishment of much good. There are those who fold their arms with calm indifference and look to the School Fund as a means of securing to their children such an amount of education as they may think necessary or desirable. Such a reliance as this is is not only strange and unnatural, but will be found vain and delusive. The School Fund is small and wholly insufficient for the accomplishment of the great purposes of education—it must and should be regarded as a mere auxiliary, calculated to do much good under a wise and judicious arrangement combined with individual assistance. Each parent is bound, by every consideration of duty and affection to provide for the comfort and happiness of his child, as far as he may enjoy the means or possess the ability—and when his means fail and his ability is exhausted; then the liberality of the Government should be brought to his aid—and this is all that he ought to expect or desire. It should be the rule, as it certainly is the duty, of every member of society to meet, as far as he may, all the demands growing out of our social and political system, and when all the means within his reach have been exhausted in endeavoring to meet these demands, then and not till then, can he be said to possess any just claim on the public for assistance. The Common School System is doubtless defective, and,

indeed, it is impossible for the wisdom of man to frame one that is perfect—it is however, the part of discretion to profit by experience, and we should at all times avail ourselves of the advantages suggested by the improvements of the age. I think we have more to regret on account of the smallness of the fund than the defect of the system, and as the chief difficulty will be found in the insufficiency of the fund, it is certainly proper that your first efforts should be directed to its enlargement by such means as your wisdom may devise—and then give to the system all the efficiency that a wise and judicious revision may impart. It is a question worthy of consideration, whether the office of Superintendent of Public Instruction, as it at present exists, is calculated materially to advance this great interest. The duties required of that officer have, as it seems to me, but little agency in the matter.—At the time of the creation of the office, the School Fund was in the hands of various agents, scattered through the State, and in order to secure its collection and safe-keeping it was deemed advisable to create the office. This necessity has now ceased, or, if existing at all, in so slight a degree, that it is scarcely worthy of consideration. If the duties of this office are to extend no farther than the mere collection of the fund and a biennial report, then I do not think the benefit to the country would justify its continuance. In making this suggestion, I would not be understood as saying or believing that such an officer is unnecessary, or that the office might not be made eminently useful to the State, by promoting the cause of education. I do not doubt that if this officer was made to be what the name imports, the cause of Common Schools would receive a valuable auxiliary—if other and higher duties than those now appertaining to the office were prescribed and efficiently performed; then I should be pleased to see the State avail herself of the benefits which it would be in the power of such an officer to bestow. But should the Legislature not concur with me in opinion, and give to this office such a direction as will make it an honorable and efficient instrument in advancing the cause of education, I would then recommend that the office be abolished, and the duties heretofore required of the Superintendent transferred to the Bank of Tennessee.

In consequence of the law passed at the session of 1839—40, on the subject of Internal Improvement, no material change has taken place, no new subscription for stock on the part of the State has been made, and I cannot conceive that this subject will require much attention.

Total amount of subscription for works of Internal Improvement on the part of the State,

\$3,026,166

Amount of Bonds issued,

Bearing an interest of 5 per cent.

1,467,250

Bearing an interest of 5½ per cent.

263,166

Total,

\$1,760,416

Amount of subscription for which Bonds have not yet been issued, but are to be issued when called for

\$1,265,750

In this latter sum is included the subscription to the Louisville,

Cincinnati and Charleston Rail Road Company, amounting to the sum of \$650,000. This enterprize has been abandoned—consequently the appropriation to this work may be withdrawn, on the conditions agreed to by the company, and to which the attention of the General Assembly was called at the last regular as well as the Extra-Session. I regard the proposition of the company to release the State as both just and liberal. In calling your attention to this subject, I can but express the hope that you will take such action as will bring it to a final and satisfactory settlement. Many of our works of Improvement, and indeed, most of them, have been completed and are now in use.— They doubtless add much to the comfort and convenience of our citizens, but as yet they have contributed nothing to the Treasury—although most of the roads have been completed and gates erected, it will be seen that none of them have paid any dividend on the State subscription. The reason assigned is, that the indebtedness of these companies exceeds the amount of subscription, and the accruing profits on the roads have been applied to the liquidation of their debts.— When these debts are paid, we may hope to receive something in the way of dividends—then, however, they must be small, and in many instances much time must elapse before we shall receive any thing.

By an Act passed in 1835, for the encouragement of Internal Improvement, it was provided that the State should subscribe for one-third of the stock in such companies as might be chartered by the Legislature. Under this law several charters were granted, and among the companies thus incorporated and in which the State became a stockholder, is the Nashville, Murfreesbrough, and Shelbyville Turnpike Company. Other companies were also formed under this law, but when the law of 1837 was passed, it was provided that all the companies formed under the law of '35, might avail themselves of the privileges granted by the act of 1837. All of these companies with the exception of the Nashville, Murfreesborough, and Shelbyville Company accepted this proposition and came in under the act of 1837. This company declined to do so and is consequently bound by the act of 1835, which provides that the company shall pay the interest on the Bonds issued by the State for said company. The company complied with their engagement, to pay interest on the Bonds until within the last year, when, for reasons which they assume to be satisfactory, they have failed and refused to pay the interest on the Bonds issued for the benefit of the company. The company, failing to comply with this provision of the law and refusing to pay the interest on the Bonds, the necessity of so doing was imposed upon the public Treasury.— The holders of the Bonds being the General Government, not choosing to make a demand at the Treasury of the State, retained the amount of interest due on the Bonds out of the moneys coming to the State from the proceeds of the Public Lands. Suit has been instituted against this company to recover the interest thus paid and to enforce a faithful compliance with the provisions of the law. Collisions of this kind between the State and her citizens are much to be regretted, and should as far as possible be avoided. Hoping that this difficulty may be adjusted.

without further litigation, I have deemed it proper to bring it to your consideration.

In making the above estimates of the liabilities of the State for Internal Improvements, the appropriations to the Rivers of East and West Tennessee, have not been taken into the account, for the reason that the appropriations do not consist of Bonds but are required to be paid by the Bank of Tennessee. How far these appropriations may be made to answer the objects contemplated, what the nature, character, or extent of the improvements, or how far they have progressed, are subjects of which I cannot speak, as the Board of Commissioners have not yet made any report.

Our State prison constitutes no unimportant part of the public interest, and as such the attention of the Legislature should be carefully directed to the adoption of a policy that will secure its faithful management and successful operation. I am gratified to know that the general condition and management of this Institution is such as to reflect great credit on those charged with its administration. Since I have had the honor of discharging the duties of the Chief Executive Officer, I have felt it to be not only in accordance with the dictates of humanity but compatible with justice and a proper regard for the public interest, in a few instances to exercise the delicate power conferred on the Executive of pardoning those who have been adjudged to undergo confinement in the Penitentiary. This delicate power, seldom to be exercised, has never been used except on the clearest convictions of propriety. The number thus pardoned is four. By an act of Assembly passed in 1836, for the encouragement of good behaviour on the part of the convicts, it is made the duty of the Executive on information given by the Superintendent, that the conduct of the convict has been good and unexceptionable during the time of his confinement, to grant to such convict a mitigation of the sentence of the court of two days for each month. Under this law and upon proper information given, fifty-six have been discharged during the last two years. Within the same period of time there have been received into the prison, one hundred and forty-three convicts, and eight of the whole number have died. From this statement it will appear that the number of convicts has increased from 178 to 194 within the last two years. At the time of the erection of the Buildings, room was only made for two hundred prisoners and the entire establishment only contains 200 cells. If the ratio of increase shall continue as heretofore, in a short time, the entire number of cells will be occupied. It is, therefore, proper that provision be made to obviate this difficulty, which must be done either by an enlargement of the Buildings or by an amendment of the criminal code, prescribing some other mode of punishment for such minor offences as are now punishable by imprisonment in the Penitentiary. An enlargement of the Prison would be attended with much trouble and expense—it would not only be necessary to increase the number of Buildings, but the walls of the prison would have to be extended, which are already too confined for the comfort, health, and successful labor of the convicts. For many of the smaller offences now punishable with imprisonment, the term is so short as to fail in many instances of effecting

the desired reformation, and it is often found to be much too short to impart to them such thorough knowledge of any of the departments of labor taught in the Institution as will qualify them for future usefulness in society. In addition to these considerations it must be remembered that it is many months before the convict is capable of rendering any material service to the State, and when the term of confinement is short, the convict goes back to society but little improved either in morals or capacity for usefulness.

Some dissatisfaction exists with a portion of our fellow-citizens, both as to the policy of sustaining such an institution and particularly as to its management and the direction given to its labor. To expect to secure perfect unanimity of feeling or opinion on any subject in a community so large as ours, is vain and idle—but it is certainly desirable to effect this as far as possible, and it is the duty of Government to remove, as far as it can, all just cause of complaint. This Institution was founded in motives of humanity and patriotism, but whether directed by a sound policy, is a question not now to be considered—The Institution has been established at great expense and now to think of abolishing it, could not in my judgment be justified either by expediency or necessity. The complaints though confined mainly to one class of society, a large and highly respectable portion of the community, are entitled to be heard, and, if grievances are found to exist, it is within the competency of the Legislature to mitigate or remove the evil. Whether the causes of complaint are real or imaginary, whether they exist in fancy or in fact, is a question I shall not pretend to decide. The point to which I would call your attention is, whether the internal policy of this Institution is based on correct principles. I am free to declare my opinion that it is not. It certainly cannot be the true policy of Government to enter into competition with any class of its own citizens. The old adage, "that competition is the life of business," is a truism not to controverted when correctly applied. A fair and equal competition sustained by individual effort and enterprise, will ever be found conducive to the general good. But the moment you attempt to secure this wholesome and salutary competition in industry and labor by bringing the power and patronage of Government, into conflict with individual effort, you not only defeat the object sought to be attained, but you, in fact and effect, build up a governmental monopoly, which is ever the most odious monopoly that can exist. It will not be doubted that the present mode of applying the labor in this Institution tends more to the immediate profits of the establishment than a diversion of it in any other channel would in a short time secure. To effect a radical change in the manner of employing this labor would require time, and the time necessarily employed in effecting the change must of necessity for a while lessen the profits. But should a wise and judicious direction be given to the labor, I am satisfied that the remote and ulterior benefits resulting from the change would greatly exceed the loss thus incurred. A great proportion of this labor is employed in manufacturing such articles as our own citizens make, and hence it is alleged that an unfair competition is produced. Would it not be better and in the end more profitable to employ the convicts in the man-

ufacture of such articles as constitute no part of the labor of our own citizens, and yet which enter into the general consumption of the country and for the supply of which we must look abroad? That an abundant supply of such objects of employment will be found to exist, must be apparent to all who have bestowed any reflection on the subject.— In view of these facts, I must repeat the recommendation which I felt it my duty to make to the General Assembly in the first Message I had the honor to deliver, that you will give such direction to the labor in the Penitentiary as will, in the least possible degree, conflict with the pursuits of our own citizens, and at the same time consult the general interest of the State. With these general suggestions, I refer you for a more minute detail of the condition of the Penitentiary to the Report of the Superintendent and Board of Inspectors, which will be submitted to you at an early day.

Among the objects that claim and will receive your attention may be numbered the Lunatic Asylum. This Institution, dedicated to the cause of humanity and benevolence, commends itself to the peculiar favor and patronage of the Legislature. The motives and feelings that induced its establishment are entitled to the highest respect, and in order that it may meet the expectations of its founders, it is essential that the fostering hand of Government be extended. If it contribute in any degree to ameliorate the condition of that unfortunate class of society for whose benefit it was instituted, it must receive as it justly merits the liberal support of an enlightened and christian people. I am aware that much of the public treasure has already been expended on the erection of this edifice, and it is certain that much more will be required to complete it—but it is a question worthy of consideration whether it would not be best, (seeing the great necessity for the observance of at least an enlightened economy) to direct your efforts rather to the raising of means necessary for the support of patients than to the further completion of the buildings. There are at this time more rooms completed than have ever been used, owing to the insufficiency of means appropriated for the support of the Institution. I have witnessed with the deepest regret the indifference with which this Institution seems to be regarded, and the reluctance with which the Legislature has heretofore extended to it that support which is not only essential to its successful operation, but which is necessary for its very existence. If we consider the great number of this unfortunate class of our fellow-citizens, their helpless and unprotected conditions, their claims on public as well as on private sympathy, would seem to point out this Institution as worthy of the peculiar regard of the Legislature. By reference to the statistics of the State, it appears that there are about seven hundred of our population either idiotic or insane. Supposing one half of this number to belong to the latter class, we may perceive at once the great demand that may be made upon the munificence of the State in its efforts to succor and restore these objects of commiseration and distress. It may be alleged, it is impossible that a single Institution can afford protection to so large a number of unfortunate individuals, and hence it may be argued, that as only a small portion can be brought under its benign influence and become partakers of the public liberality, to which all are alike entitled, provi-

sion should be made for none. Such a conclusion cannot be sustained by a sound political economy. To accomplish all the good within our power is the duty both of Government and of individuals, and because we may not possess the ability to remove all the evil that may exist—to argue thence an absolution from the high moral obligation, would be to violate every principle of duty existing between man and man. If the argument be good and the doctrine correct, it follows of course that the legitimate deduction drawn from it, must apply with equal force and justice to all similar cases, and when you attempt to test its correctness by application, it will be found wholly untenable. There are within the limits of our State, and it is with humiliation I declare the fact, above fifty thousand persons of our white population over twenty years of age who can neither read nor write. What friend of education that weeps over this mass of ignorance—what patriot that looks to the diffusion of knowledge as the sheet anchor of our safety, would be willing to see his favorite scheme of general education tested by this rule? No one can hope to bring this large number of our citizens under the influence of our system of education, no one can expect that all shall be made to partake equally of its benefits, and yet the argument is as applicable in the one case as the other. If we cannot accomplish all that Patriotism and Philanthropy would desire, yet we may effect something, and duty as well as policy dictate that we do all in our power. Believing as I do that this Institution is destined under a wise and liberal legislation to be eminently useful to society, and to reflect great credit on the character of the State, I trust you will bestow the attention its importance demands. I have forbore to enter into the details of the Institution, either as regards its present condition, its past management, or the means best calculated to extend its future usefulness. I have thought it most proper and respectful to leave the subject open for such suggestions as those charged with its supervision and management may think proper to make.

A prompt and faithful compliance with all our engagements is essential to the maintenance of that high and enviable character we enjoy as a State, which has been thus far secured to us by a faithful observance of every obligation. Fidelity in meeting engagements has ever been regarded as the best test of individual character and this test is no less applicable to Governments than to individuals. If the importance of punctuality be established by its consequences, it will be found of incomparably more value when applied to Governments than to individuals. Unfaithfulness on the part of individuals is not unfrequently the result of absolute inability, and hence constitutes a mitigating circumstance, but such inability cannot reasonably be supposed to exist with Governments, and cannot, therefore, be pleaded in justification of this great offence—not at least until all resources are exhausted. If an individual render himself obnoxious to this charge, he is himself the only sufferer as far as character is concerned—the consequence of the violation of the rules of sound morality are confined to himself and those immediately connected with him, and do not affect the character of the community of which he is a member. The consequences of unfaithfulness on the part of a Government are not thus restricted—the immediate agents or authors of the outrage are not left to suffer alone—the

effects are communicated to each member of the community. The innocent and guilty, the honest and dishonest, are alike consigned to a common fate. It must be gratifying to every Tennessean to remember that how far soever some of our sister States may have departed from the standard of correct morals, how much soever they may have done to destroy public confidence, and forfeit that respect which is due to strict fidelity, Tennessee has thus far met and promptly complied with all her engagements, and I trust that no circumstances will ever induce her to pursue a different policy. Will Tennessee, a name dear to all her sons, one of the proudest and most gallant sisters of the Confederacy, that has ever shown herself ready to make sacrifices, the largest in vindicating her honor, even for a moment, entertain or cherish a different policy? Will she ever commit the suicidal act of bringing on her fair name the foul and odious stain of repudiation? I trust the time will never come when this doctrine shall obtain in this State. Sure I am that none of her sons in whose bosoms dwells one spark of patriotic fire, will so far forget what is due to their character, their fame, their honor, to the memory of their fathers, the claims of posterity, the demands of justice, the requisitions of morality—will so far forget every thing that is valuable in our character as a State, as to become the advocates of this odious doctrine, demoralizing in its tendencies, dangerous in its consequences—a withering, blighting mildew to credit, character, and honor. The time has arrived when the voice of Tennessee should be heard on this momentous subject. The time has come when not only words but actions are demanded. The interest of the State requires that a position be taken, and what that position may be, remains for you to decide. I doubt not it will be such as to reflect additional honor on the character of the State. We, in common with most of the States of the Union, in an hour unsuspecting of evil, with the laudable and patriotic desire of advancing what was then supposed to be the interest of the State, attempted to substitute the credit of the State for the more substantial realities of that species of property which was essential to the execution of the plans devised for the promotion of the future greatness and prosperity of the people. In order to accomplish these ends, the Bonds of the State have been issued to a small amount, small when compared with the amount of many other States. Limited, as our liabilities are, still no adequate provision has been made for their liquidation. How far this policy was dictated by wisdom, I think, experience fully demonstrates, but the wisdom or folly, the expediency or inexpediency of the course pursued, sanctioned as it was by the people, has nothing to do with the question now to be considered. The policy or impolicy of the step is not in issue—the Bonds have been executed, the faith of the State has been pledged, her broad seal has been affixed and must not be dishonored. The question is now one of principle and morality—to be honest or dishonest—and with this issue who can hesitate? The duty of making some adequate and permanent provisions for the payment of our liabilities, though properly belonging to those by whose agency the debt was created, yet having been neglected, the duty devolves on you, and how difficult and responsible soever the task may be, I hope it is one from which you will not shrink, but that you

will meet it as becomes the Representatives of a great and flourishing people.

That this subject may be fully understood, it is proper to ascertain the amount of indebtedness and the nature and character of the means relied on to meet it. By this comparison you will perceive the necessity for prompt and decisive action. The entire amount of Bonds issued by the State for Banking and Internal Improvement purposes is as follows :

To pay subscription for stock taken on the part of the State in the Union Bank	\$500,000
Bonds for part of the Capital of the Bank of Tennessee,	1,000,000
For Internal Improvements under the Act of 1835, bearing an interest of 5½ per cent.	263,166
For Internal Improvements under the act of 1837, bearing an interest of 5 per cent.	1,497, 00

Total amount of Bonds issued and unpaid, \$3,260,416

The annual liability for interest on these Bonds is as follows :

Bonds for Union Bank, 5 per cent,	25,000
Bonds for Bank of Tennessee, 6 per cent,	60,000
Bonds for Int. Improvement, 5½ per cent,	13,816
Bonds for Int. Improvement, 5 per cent,	\$74,862

Total liability for interest on Bonds, \$173,678

The Bank of Tennessee is relied on to meet and pay this interest with the exception of the interest on the Bonds issued for the stock in the Union Bank, and the interest on the bonds issued for the benefit of the Nashville, Murfreesboro', and Shelbyville Turnpike Company, amounting to \$66,666, bearing an annual interest of 5½ per cent. Deduct these two items from the aggregate amount of liability for interest, and it leaves the sum of \$145,179, which the bank has to pay annually for interest on bonds. Can the Bank be relied on to pay this interest together with her other liabilities? It is a fact no longer to be concealed or disguised, that she possesses no such ability. In order to demonstrate the fact, it is only necessary to ascertain and compare the profits of the Bank with its liabilities.

The liabilities of the Bank are as follows :

Interest on bonds issued for Bank capital	\$60,000
Interest on Internal Improvement bonds, 5½ per cent.	10,316
Interest on Internal Improvement bonds, 5 per cent.	74,862
Appropriation to Schools and Academies	118,000
Appropriation to rivers in East and West Tennessee, unpaid	188,868

Total liability \$452,046

Supposing the appropriation to the rivers in East and West Tennessee to be paid out of the capital of the Bank, then the annual liability of the Bank for interest on bonds and appropriations to schools and academies, will be \$263,178. The entire nett profits of the Bank, for the year ending 30th June, 1843, amount to \$175,035, thus showing an annual excess of liability to the amount of \$88,143. From this state-

ment of facts you will perceive there is an annual deficit of means, to the amount of \$38,143 to meet our engagements, which deficit must be provided for in some way or other, or the integrity of the State will be sacrificed. This estimate is the most liberal that can be made. It proceeds on the principle that the profits of the Bank would be as great when the capital is diminished by the \$200,000 appropriation to the rivers in East and West Tennessee. It must be also remembered that the liabilities of the Bank will increase as a farther issue of these bonds occurs. How the deficit is to be provided for is a difficult and vexed question, and which, by its importance, commends itself to your calm and patriotic consideration. There are several modes in which this deficit may be met, but to each and all of them objections may be urged. A constant diminution of the capital of the Bank would enable that institution to meet the interest or it might be provided for in part by lessening the number of branches, the appropriation to schools and academies may be reduced, and lastly, the State taxes may be increased so as to provide a sufficient fund. To consume the capital of the Bank will be to impair annually its efficiency, and by diminishing its ability, increase the evil it was intended to obviate; to attempt to reduce the number of branches may be regarded as an act of injustice, to lessen the appropriation to schools and academies would be considered by many but little better than political sacrilege, to impose additional taxes on the people at a time of great pecuniary embarrassment could only be justified by the utmost necessity. A choice of one of these alternatives on the one hand and the honor of the State on the other, constitutes a difficulty of no ordinary character. Great as these difficulties are, the necessity is urgent. The only safe escape is the path of duty and of honor. Let the credit and character of the State be maintained at every hazard—let us be honest if poverty be our only reward. Much as I might deplore the necessity that would lead me to adopt either of the above expedients, objectionable as each and all of them are, yet between any of these last severe resorts, if wisdom fail to suggest a better, and a violation of the faith and honor of the State, I am free to declare my readiness to resort to any emergency to save untarnished the honor and the name of Tennessee.

At the time of chartering the Union Bank of Tennessee it was provided that the State should become a stockholder in that institution to the amount of \$500,000. Bonds for that sum were accordingly issued, bearing an interest of 5 per cent. the interest payable semi-annually. The Bonds were directed to be delivered to the Bank in payment of the State's subscription. The manner in which the interest was to be paid is not specified. I presume, however, it was intended that the interest should be paid out of the profits on the stock, and thus it has been paid. After paying the interest on the bonds the remaining profits on the State subscription have been vested in additional stock, and the entire amount of stock owned by the State in this Bank amounts to \$646,600. This Institution declines making any other dividends at this time, alleging that they have no power under the charter to declare any farther dividends until their stock is made equal to the amount contemplated by the charter. Under this decision of the board of Directors, we cannot look

to the profits of the State stock to pay the interest on the bonds. Since this decision, the Bank has advanced the last instalment due on the bonds, amounting to \$27,395 04, and the amount stands charged to the State. If there is any obligation imposed by the charter on the Bank to pay the interest on these bonds, I have not been able to observe it. I therefore deem it proper to call your attention to the subject, in order that you may make some certain and definite arrangement by which the interest of the bonds may be punctually paid.

A short time after the adjournment of the Legislature at the extra session, a vacancy occurred in the Attorney Generalship of the ninth Judicial circuit, by the resignation of John W. Crockett, Esq. It was my duty to supply this vacancy by a *pro tem.* appointment, which was done by appointing Berryman T. Hamilton, Esq. This appointment will expire at the adjournment of the General Assembly. It will therefore be necessary for you to fill the vacancy by an election.

It will also be your duty to elect two Senators to the Congress of the United States. The necessity and importance of performing this duty are too obvious to require any argument. It is a duty imperious in its character and cannot be omitted without a palpable disregard of one of the most solemn requirements of the Constitution and an utter contempt for the interest, dignity, and honor of the State. It will be remembered that Tennessee has had no representation in this Department of the National Council for the last two years. Why this was so, and of the causes which produced this humiliating fact, are fresh in the recollection of all and need not be repeated. It is enough to know that we have seen an honored member of the confederacy disfranchised for a season, her voice unheard, her name in effect stricken from the records of the Senate, and denied any participation in the adjustment of great and important questions, affecting the honor of the country and the interests of her citizens. We have seen anarchy and revolution triumph for a season over the Constitution and the most venerable usages of our fathers. In contemplating those melancholy recollection, it must be gratifying to the heart of the patriot to know that we have survived the outrage—we have seen this spirit of disorganization, rebuked by the verdict of a virtuous people, whose interests have been trampled under foot, whose rights have been disregarded, and whose honor has been sacrificed on the altar of blind party infatuation. You will discharge this duty as becomes you, and I can but hope that you will act in a manner not to bring reproach on the wisdom of our fathers. I hope the same mode of election, adopted at the foundation of the State Government and ever since practiced, will be adhered to, and that additional testimony may thus be added to the propriety of the course sanctioned by the Fathers of the State; which is alike honorable to their memory, satisfactory to the country, and in strict conformity with the letter and spirit of the Constitution. To change the mode heretofore pursued in the election of Senators, would be, under existing circumstances, an abandonment of principle not to be justified. When this important duty shall have been discharged, it will then be the office of the Executive to furnish to the individuals thus chosen the proper credentials under the great seal of the State, certifying that the individuals named are the honored

agents and Representatives of the State of Tennessee in the Senate of the Congress of the United States. Before required as your Executive to perform this duty, I would most respectfully suggest that the sixth and last resolution adopted by the General Assembly of Tennessee at the session of 1839-40 prescribing a rule of action for the Senators of this State, be first repealed. I find much to condemn in the series of resolutions passed on that occasion—much that I regard as wrong in policy—but these are mere questions of policy and opinion, not establishing any new principle affecting the honor of the State, and as such they may not merit any special condemnation at your hands. Not so with the *sixth resolution*—it asserts a new principle controlling the action and governing the conduct of those who have heretofore been regarded as the Representatives of the State. This resolution provides that your Senators “shall support in good faith the leading measures and policy as brought forward and advocated by the then President of the United States, and to use all fair and proper exertions to carry out and accomplish the same.” Here is the assertion of a new principle, the declaration of a sentiment that I am satisfied can find no generous response in the bosom of the patriot, and which should never have found a place on the records of the General Assembly. This sentiment derogates from the character of the State, and merits such condemnation as one Legislature may properly pronounce upon the actions of another. I am no expunger—I do not recognize the doctrine—I hold that no Legislature has a right to mutilate the records of a preceding Legislature. But if there ever was a case in which the exercise of such a power could be justified, the one under consideration furnishes ample cause, and if it were not an infraction on the Constitution, I should like to see this foul stain on our escutcheon obliterated, not by the grave and solemn ceremonial of drawing black lines around the resolution, but by a perfect extinction of every vestige of this most strange and unnatural prostitution of the character and dignity of the State to the merest party purposes. I am not conscious of being actuated by feelings of the slightest unkindness towards the authors of this doctrine, nor do I imagine that party considerations have had the least weight in leading me to make this suggestion. I deem your action essential to the vindication of the honor of the State and the dignity of the Senatorial office. Let the political character of the individuals selected to fill that high and honorable station be what it may—let them belong to any party whatever—I desire to see them take their seats not bound by such untidy restrictions. Let them go as the Representatives of a free and virtuous constituency—let them feel that they are delegated to guard and protect the sovereignty of the State and not to occupy the servile and degrading position of the registers of Executive edicts.

Resolutions on various subjects have been received from several States with the request that they be presented to the General Assembly. They are herewith transmitted and I trust will receive at your hands such attention as their importance demands, and a proper respect for the high source from which they emanate entitles them.

It is scarcely necessary I should call your attention to the necessity imposed on you of locating permanently the Seat of Government with

the first week of your session. This requirement of the Constitution is absolute and imperative, and will not therefore, of course be neglected. The duty is purely Legislative, with which the executive cannot interfere. The only anxiety I feel upon the subject is, that the injunction of the Constitution may be obeyed, and in your decision what place soever may be selected, I doubt not every good citizen will cheerfully acquiesce.

I have forbore the introduction into this communication of any of those questions of national policy which agitate and distract the public mind, and which have for many years operated as great impediments to the successful legislation of the State Governments. I have been influenced to pursue this course, not from any want of a proper appreciation of these important questions, nor from a belief that the opinions of the General Assembly touching the same, are not entitled to much weight and consideration. The Constitution secures to us in common with our sister States, a just and equal representation in the National Councils, where alone these questions are to be settled. I think each State may in the general rely with safety on their Representatives for a full expression of the popular will, and I can but regard the inclination of our State Legislatures to devote their time to the consideration of national politics as much to be regretted. I think it proper and I doubt not you will concur with me, that it is high time we should become more local and less national in our legislative proceedings. We can easily find enough to engage our time and talents in protecting and advancing the interest of the State, without stepping beyond our appropriate sphere of action, and it is to be presumed, that the National Legislature will faithfully discharge the duties imposed by the Constitution of the United States.

In closing this communication I hope I may be pardoned for tendering to the people of Tennessee through you my sincere thanks and the deep gratitude I feel for the kind partiality that induced them to confer on me the high honor of administering the duties of the Chief Executive Office of the State for a second term. Regarding this renewed expression of confidence as the highest honor that could be conferred, and viewing it as an approval of the manner in which I have heretofore discharged the duties committed to my hands, I shall continue so far as lies in my power to pursue such a policy as will secure the approbation of my own conscience, and meet, as I trust it may, the wishes and expectations of the people.

JAMES C. JONES.

NASHVILLE, Oct. 3, 1843.

Mr. Gordon moved that said message be laid on the table, and that five thousand copies be printed for the use of the House.

On taking the question it was,

Ordered, That five thousand copies be printed for the use of the House.

On motion of Mr. Bledsoe,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, OCTOBER 4th, 1843.

The House met pursuant to adjournment.

Mr. Black moved a suspension of the twelfth rule of the House, relating to the order of business.

Which motion was agreed to by the House.

Mr. Fairquharson submitted a preamble and resolution,

Which was read for the information of the House.

And thereupon Mr. Walker of Williamson moved that said preamble and resolution be not received by the House, in as much as they contain language disrespectful to a co-ordinate branch of the State Government.

And the question being taken, "shall said preamble and resolution be received by the House?" it was determined in the negative.

Yeas 33

Nays 41

The yeas and nays being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Deavenport, Edwards, Eubank, Fairquharson, Fisher, Garner, Glenn, Gordon, Hod, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Turner, Turney, Walker of Hickman, Wann, and Wylly.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Eurrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to receive said preamble and resolution.

Mr. Milligan submitted the following resolutions :

Resolved, That so much of the Governor's message as relates to the revision of the statutes of the State of Tennessee, be referred to the Committee on the Judiciary.

Resolved, That so much of the Governor's message as relates to the investigation of the Bank of Tennessee be referred to the Committee on Banks.

Resolved, That so much of the Governor's message as relates to common schools be referred to the Committee on Education and Common Schools.

Resolved, That so much of the Governor's message as relates to Internal Improvements and Internal Improvement Bonds, be referred to the Committee on Internal Improvements.

Resolved, That so much of the Governor's message as relates to the State Prison, be referred to the Committee on the Penitentiary.

Resolved, That that part of the Governor's message which relates to

the Lunatic Asylum, be referred to the Committee on the Lunatic Asylum.

Resolved, That so much of the Governor's message as relates to the public debt of Tennessee, be referred to the Committee of Ways and Means.

Which resolutions were read and laid on the table.

On motion of Mr. Boddie, the House took up

A bill, No. 1, to designate and fix permanently the seat of Government.

Which bill was read a second time.

Mr. Polk moved that the House resolve itself into a committee of the whole House for the purpose of considering said bill.

Which motion was disagreed to by the House.

On motion of Mr. Carson,

Said bill was laid on the table.

And thereupon Mr. Bobo presented a memorial from sundry citizens from the counties of Warren, Coffee, Bedford, and DeKalb in relation to the location of the seat of Government.

Which was read and ordered to be transmitted to the Senate.

On motion of Mr. Carson,

The House again took up a bill, No. 1, to designate and fix permanently the seat of Government.

Mr. Bobo thereupon offered an amendment in lieu of the whole bill, from the enacting clause.

Mr. Miller of Hardeman, moved that the blank in said bill, No. 1, be filled with Carrollsville, in the county of Wayne.

And the question being taken on said motion it was determined in the negative,

Yeas	18
Nays	53

The ayes and nays being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Burrus, Deavenport, Fisher, Glenn, Goodall, Goode, Kinney, Miller of Hardeman, Morris, Polk, Richardson, Trice, Trott, Walker of Hickman, Walker of Williamson, and Williams, 14.

Those who voted in the negative were,

Messrs. Anderson, Black, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Goggin, Gross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Harphaison, Garner, Gordon, Hamilton, Hoddsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Landerdale, Lenoir, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Rawlins, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Turner, Turney, Tyler, Wann, Wheeler, Wyley, and Mr. Speaker Barringer, 55.

Mr. Brooks moved that the blank in said bill be filled with Sparta, in the county of White.

And the question being taken on said motion, it was determined in the negative.

Mr. Moores moved to fill the blanks in the original bill, No. 1, with Carthage, in the county of Smith.

And the question being taken agreeing to said motion, it was determined in the negative,

Ayes	19
Nays	55

The ayes and nays being called for by Mr. Moores, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Black, Brooks, Burrus, Coggin, Crouch, Glenn, Goodall, Huddleston, Kinney, Miller of Hardeman, Morris, Folk, Richardson, Roach, Rodgers, Scott, Trott, Walker of Williamson, and Williams.

Those who voted in the negative were,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Edwards, Enbank, Farquharson, Fisher, Goode, Gordon, Garner Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Morrow, Moores, Moorman, Nave, Rawlings, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wan, Wheeler, Wyley, and Mr. Speaker Barringer.

And so said amendment was rejected.

Mr. Farquharson moved that the blank on said bill, No. 1, be filled with "Nashville, in the county of Davidson."

And the question being taken on said motion, it was determined in the negative.

Yeas,	24
Nays,	50

The ayes and nays being called for by Mr. Miller of Hardeman, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Carson, Cheatham, Cleaveland, Cross of Madison, Edwards, Farquharson, Goodall, Goode, Jourdan, Moores, Moorman, Nave, Scott, Trice, Trimble, Turner, Tyler, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Brooks, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Enbank, Fisher, Garner, Glenn, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Morrow, Folk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trott, Turney, Walker of Williamson, Walker of Hickman, Wan, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Coggin moved to fill the blank in bill No. 1, with "Smithville, in the county of DeKalb."

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas,

32

Nays,

41

The ayes and nays being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Brooks, Burrus, Coggin, Cross of Sullivan, Crouch, Dearing, Duggan, Garper, Glenn, Goodall, Gordon, Hord, Huddleston, McGinnis, Miller of Hadenman, Miller of Marshall, Milligan, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Walker of Hickman, Walker of Williamson, Wan, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Crudup, Edwards, Eubank, Fisher, Fitcharson, Goode, Hamilton, Hodsden, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Trice, Trimble, Turner, Turney, Tyler, Wheeler, Wyley, and Mr. Speaker Barringer.

And so said amendment was rejected.

On motion of Mr. Polk,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment and resumed the consideration of bill No. 1.

Mr. Williams amended said bill by striking out all after the enacting clause and inserting in lieu thereof the following words, viz:

"That the town of Knoxville, in the county of Knox, and the town of Jackson, in the county of Madison, be and the same are hereby designated and fixed as the permanent places for the seat of Government of this State alternately, two years at each place, commencing at Knoxville at the beginning of the next regular session of the General Assembly, in accordance with the second section of the schedule of the Constitution.

Mr. Goodall moved that said amendment be amended, so as to provide that each called Session of the General Assembly shall be held at the town of Carthage, in the county of Smith.

And the question being taken on the amendment offered by Mr. Goodall, it was determined in the negative.

Ayes

18

Nays

54

The ayes and nays being called for by Mr. Goodall, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Brooks, Burrus, Coggin, Edwards, Eubank, Goodall, Morris, Polk, Richardson, Scott, Trimble, Trott, Turner, and Walker of Hickman.

Those who voted in the negative were,

Messrs. Anderson, Bledsoe, Bobo, Bond, Bone, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Deating, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdon, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morrow, Morris, Nave, Rawlings, Roach, Sherrill, Smart, Trice, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the amendment offered by Mr. Goodall was rejected.

Mr. Goodall then moved that the amendment offered by Mr. Williams, be laid on the table.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Ayes,	55
Nays,	17

The ayes and nays being called for by Mr. Williams, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bone, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hughes, Jourdon, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Richardson, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Boddie, Bond, Cherry, Cleaveland, Cross of Madison, Edwards, Hodsden, Hord, Houston, Huddleston, Humphreys, Lenoir, Milligan, Polk, Turner, Walker of Williamson, and Williams, 17.

So the amendment offered by Mr. Williams, was ordered to the table.

Mr. Miller of Hardeman, moved to fill the blank in said bill, with the town of "Knoxville, in the county of Knox."

And the question being taken on agreeing to said amendment, it was determined in the negative.

Ayes	28
Nays	45

The ayes and nays being called for by Mr. Carson, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Burrus, Carson, Cleaveland, Cross of Sullivan, Crouch, Glenn, Hodsden, Houston, Hughes, Hord, Huddleston, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Mil-

ligan, Morrow, Nave, Polk, Rawlings, Richardson, Trott, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative were,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Jourdan, McGinnis, Maury, Miller of Marshall, Moores, Moorman, Morris, Roach, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Polk moved to fill the blank in said bill with the town of "Savannah, in the county of Hardin."

Which amendment was rejected.

Mr. Cross of Madison moved to fill the blank in said bill with the town of "Jackson, in the county of Madison."

The question being taken on the amendment offered by Mr. Cross of Madison, it was determined in the negative.

Ayes	21
Nays	51

The ayes and nays being called for by Mr. Cross of Madison and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander Avery, Bledsoe, Bond, Bone, Burrus, Cross of Madison, Fisher, Glenn, Goode, Jourdan, McGinniss, Polk, Richardson, Scott, Trice, Trimble, Trott, Walker of Williamson, Williams, and Wyley.

Those who voted in the negative were,

Messrs. Anderson, Blacke, Bobo, Boddie, Brooks Carson, Cheatham Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Edwards, Farquharson, Garner, Goodall, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moors, Morris, Morrow, Nave, Rawlings, Roach, gers, Sherrill, Smart, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, and Mr. Speaker Barringer.

So the said amendment was rejected.

Mr. Bobo moved that the blank in said bill be filled with the town of Manchester, in the county of Coffee.

And the question being taken on agreeing to said amendment it was determined in the negative,

Yeas	35
Nays	88

The ayes and nays being called for by Mr. Bobo and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Black, Bobo, Brooks, Burrus, Cross of Sullivan, Deavenport, Farquharson, Garner, Glenn, Gordon, Huddleston, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Polk, Rawlings, Richardson, Rogers,

Scott, Sherrill, Smart, Trott, Turney, Walker of Hichman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Edwards, Eubank, Fisher, Goodall, Goode, Hamilton, Hedsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Nave, Roach, Trice, Trimble, Turney, Tyler, and Wyley.

So said amendment was rejected.

Mr. Williams moved that the blank in said bill be filled with the town of Murfreesboro' in the county of Rutherford.

And the question being taken on agreeing to said amendment, was determined in the negative,

Yeas	35
Nays	38

The ayes and nays being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Huddleston, Hughes, Jourdan, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Rawlings, Richardson, Rogers, Smart, Trott, Turney, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Eubank, Goode, Hamilton, Hedsden, Houston, Humphreys, Lenoir, Maury, Morris, Moorman, Morrow, Nave, Roach, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker Hickman, Wheeler, and Wyley.

So said amendment was rejected.

Mr. Roach moved to fill the blank in bill No. 1, with the "town Lebanon, in the county of Wilson."

And the question being taken on agreeing to said amendment, it was determined in the negative.

Ayes	29
Nays	44

The ayes and nays being called for by Mr. Roach, and ordered the House,

Those who voted in the negative were,

Messrs. Anderson, Black, Boddie, Brooks, Burrus, Coggin, Cross of Sullivan, Crouch, Glenn, Goodall, Hamilton, Huddleston, Hughes, Kinney, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Roach, Rogers, Scott, Trimble, Trott, Turner, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Bond, Bone, Car

Cheatham, Cherry, Cleveland, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Goode, Gordon, Hodsdon, Hord, Houston, Humphreys, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Sherrill, Smart, Trice, Turney, Tyler, Walker of Hickman, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Carson moved to reconsider the vote of the House rejecting the motion to fill the blank with Sparta, in the county of White.

Which motion to reconsider prevailing,

The question then recurred on filling the blank in said bill, with the "town of Sparta, in the county of White."

And the question being taken on agreeing to said amendment, it was determined in the negative.

Ayes

34

Nays

39

The ayes and nays being called for by Mr. Brooks, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Boddie, Brooks, Burrus, Cheatham, Cross of Sullivan, Cherry, Coggin, Crouch, Dearing, Goodall, Goode, Gordon, Huddleston, Hughes, Kinney, Miller of Marshall, Milligan, Morrow, Polk, Richardson, Roach, Rogers, Sherrill, Smart, Trimble, Trott, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Carson, Cleveland, Cross of Madison, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Moores, Moorman, Morris, Nave, Rawlings, Scott, Trice, Turner, Turney, Tyler, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Edwards moved to fill the blank in said bill with the town of Paris, in the county of Henry."

Which amendment was disagreed to by the House.

Mr. Walker of Hickman moved a reconsideration of the vote rejecting the motion of Mr. Williams to fill the blank in the bill with the town of Murfreesboro, in the county of Rutherford."

Which motion prevailing.

The question then recurred and was again taken on agreeing to the motion that the blank in said bill be filled with the "town of Murfreesboro, in the county Rutherford," and was determined in the affirmative.

Yeas,

40

Nays,

34

The ayes and nays being called for by Mr. Walker of Hickman, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Brooks, Burris, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Farquharson, Fisher,

Grner, Green, Goodall, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Miligan, Morrow, Polk, Rawlings, Richardson, Roach, Rogers, Scott, Smartt, Trott, Turney, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Carson, Cleatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Eubank, Goode, Hamilton, Houston, Humphreys, Joudon, Lenoir, Maury, Moores, Moorman, Morris, Nave, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Wyley.

So said amendment was adopted.

And the blank in said bill was filled with "the town of Murfreesboro", in the county of Rutherford."

The question was then taken in agreeing to the amendment offered by Mr. Bobo, in lieu of the whole bill, from the enacting clause, and was determined in the negative.

The bill as amended was then read a second time and passed.

Mr. Rogers introduced,

A bill, No. 2, giving further time for making surveys and obtaining grants in this State.

Which bill was read a first time and passed.

Mr. Anderson submitted the following resolution:

Resolved, That the Senate and House of Representatives, adopting the lowest bid as the standard, will on Monday next, proceed to elect by joint ballot a printer to publish the public and private acts and journals of the Legislature, and Supreme Court reports, and that the Committee on Public Printing be instructed to report to the House the lowest bid.

Which resolution was read and laid on the table.

Miller Francis, Esq. Treasurer, laid before the House a report, which was read at the Clerk's table, as follows:

TREASURER'S OFFICE,

NASHVILLE, TENN., OCT. 4th, 1843.

To the General Assembly of the State of Tennessee:

Pursuant to the provisions of the ninth section of an act, passed on the second day of February, 1836, entitled an act to provide for electing a Treasurer for the State of Tennessee, and to define his duties, I have the honor to report that the receipts into the Treasury since the first Monday in October, 1841, have been four hundred and seventy-three thousand and twenty two dollars and one cent,

473,022 01

In the Treasury on said first Monday of October, 1841, one hundred and eighty-nine thousand five hundred and ninety dollars and forty-seven cents,

189,590 47

Making a total of

\$662,612 48

Disbursements during the same period, six hundred and twenty-three thousand seven

hundred and thirty-seven dollars and twenty-seven cents,

623,737 27

Leaving in the Treasury on the 24th inst.
Respectfully submitted,

38,875 21

RANCIS, Treasurer.

Said report was then read and approved.

Mr. Black submitted a resolution to the House:

Resolved, That a committee be appointed to be appointed to make a contract with the printer of the House, for the job printing of the first volume of the session, and that said Committee be authorized to examine the sealed proposals for that business, and any other proposals that may be offered, and that they report to the House so soon as they are able to do so. Which resolution was read and passed on the table. The first copy of said resolution was filed with the clerk.

And the resolution was thereupon referred to the Committee on Printing, consisting of Messrs. Black, Cheatham, Burrus, Boddie, and Maury, to be reported on.

The Speaker laid before the House with biennial report of the Comptroller of the Treasury.

On motion of Mr. Black.

Ordered, That said report be laid on the table.

Mr. Alexander moved the order for 15 copies, Mr. Boddie 2000 copies, Mr. Walker of Holman 2500 copies of said report for the use of the House.

On motion of Mr. Black.

Said motions to print were severally laid on the table.

A message from the Senate, by their clerk, their clerk:

MR. SPEAKER: The Senate have on a third time and passed, a bill No. 1, to establish permanent the seat of Government.

In which bill the Senate ask the concurrence of the House of Representatives.

On motion of Mr. Polk,

The House took up said bill from the Senate.

Which bill was read a first time and passed.

The House then adjourned until to-morrow morning, 9 o'clock.

THURSDAY, OCTOBER 5th, 1843.

The House met pursuant to adjournment.

Mr. Farquharson moved that the Journals of yesterday be corrected as to the entry relating to a preamble and resolution offered by himself on yesterday morning, and that said motion to correct the Journal be laid on the table to be taken up at the pleasure of the House.

Which motion to lay on the table was agreed to by the House.

Mr. Garson presented the petition of sundry citizens of the town of Dandridge, in the county of Jefferson, praying that said town be incorporated by an act of the General Assembly.

Which petition was read, and ordered to be sent to the Senate.

Mr. Bone presented the petition of sundry citizens of the county of Gibson, praying that the Legislature restore to the rights of citizenship to John B. Howard.

Which was read and ordered to be transmitted to the Senate.

Mr. Brooks submitted the following resolution:

Resolved, That a committee of _____ members be appointed to examine the proposals submitted to the Secretary of State, for printing the laws and journals of this General Assembly, and the reports of the supreme court, and that said committee make a report to this House as soon as convenient.

Which resolution was read and laid on the table.

Mr. Polk submitted the following resolution:

Resolved, That a committee of three members of the House of Representatives be appointed by the Speaker to invite in the clergy of the city of Nashville, and request that they will open the deliberations of the House every morning with prayer, by such regulations as may suit their convenience.

Which resolution was read, and the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

And thereupon Messrs. Polk, Cross of Madison, and Cleaveland were appointed by the Speaker, to be of said committee.

Mr. Richardson submitted the following resolution:

Resolved, That the Senate be requested to meet the House of Representatives in their hall on Tuesday next, the 10th inst., for the purpose of comparing the votes for Governor in this State at the late election.

Which resolution being read, and in the suspension of the rule requiring resolutions to lay one day on the table, said resolution was adopted.

Ordered, That the Clerk acquaint the Senate therewith.

Mr. Brooks introduced,

A bill, No. 3, allowing former sheriffs further time to collect arrearages of taxes.

Which was read a second time and passed.

Mr. Speaker announced to the House the appoint of the standing committees of the House of Representatives.

Which was read at the Clerk's table as follows:

Committee of Ways and Means.

Messrs. Walker of Williamson, Hamilton, Gordon, Wheeler, Fisher Tyler, and Lauderdale.

Committee on Finance.

Messrs. Boddie, Bledsoe, Farquharson, Lenoir, Scott, Burrus, and Hughes.

Committee on Claims.

Messrs. Morrow, Roach, Trott, Sherrill, Turner, Morris, and Garner.

Committee on Public Lands.

Messrs. Alexander, Cross of Madison, Anderson, Duggan, Edwards, Cherry, and Deavenport.

Committee on Education and Common Schools.

Messrs. Hodsden, Houston, Jourdan, Moores, Morris, Coggin, and Eubank.

Committee on Internal Improvement.

Messrs. Richardson, Smart, Trice, Walker of Hickman, Wann, Crouch, and Cleaveland.

Committee on Military Affairs.

Messrs. Rogers, Brooks, Miller of Marshall, Hord, Humphreys, Black, and Bone.

Committee on New Counties and County Lines.

Messrs. Gordon, Crudup, Dearing, Cross of Sullivan, Rawlings, Bobo, and Brooks.

Committee on the Judiciary.

Messrs. Miller of Hardeman, Goode, Anderson, Bond, Huddleston, Carson, and Trimble.

Committee on the Penitentiary.

Messrs. Polk, Avery, Morrow, Turney, Rawlings, Glenn, and Moor-
man.

Committee on Banks.

Messrs. Cheatham, Boddie, Rogers, Polk, Trimble, Glenn, and
Hodsden.

Committee on Lunatic Asylum.

Messrs. Smart, Walker of Williamson, Trott, Goodall, Morrow,
Deavenport, and Hodsden.

Committee on Agriculture and Manufactures.

Messrs. Tyler, Nave, Kinney, Wyley, Williams, Huddleston, and Bearing.

Committee on Elections.

Messrs. Hamilton, Milligan, Goodall, McGinnis, Humphreys, Wyley, and Morris.

Committee on Enrolled Bills.

Messrs. Williams, Maury, and Bond.

Committee on Federal Relations.

Messrs. Maury, Black, Bledsoe, Bobo, Avery, Anderson, and Richardson.

On motion of Mr. Hodsdon,

Ordered that one hundred and fifty copies of the Standing Committees be printed for the use of the House.

On motion of Mr. Rogers,

The House took up,

A bill, No. 2, giving further time for making surveys and obtaining grants in this State.

Which bill was read a second time and passed,

On motion of Mr. Bledsoe,

Ordered that said bill be referred to the Committee on Public Lands.

On motion of Mr. Williams,

Ordered that he be excused from serving on the Committee on Enrolled Bills.

On motion of Mr. Crudup,

The House took up,

A bill from the Senate, No. 1, to establish permanently the seat of Government.

Which bill was read a second time and passed.

On motion of Mr. Boddie,

The House took up and considered the various motions offered on yesterday in relation to the printing of the Report of the Treasurer and Comptroller of the Treasury.

And thereupon it was ordered by the House that two thousand five hundred copies of said reports be printed for the use of the House.

On motion of Mr. Polk,

Ordered that the report of the President and Directors of the Bank of Tennessee, be referred to the Committee on Banks.

On motion of Mr. Trott,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Cross of Madison introduced,

A bill, No. 4, to repeal an act entitled an act to abolish imprisonment for debt.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Cross introduced,

A bill, No. 5, to extend the provisions of the 17th section of an act passed on the day of February, 1836, entitled an act setting forth the proper and legal persons and the privileges and occupations liable to tax in this State.

Which bill was read a first time and passed.

Mr. Cross then introduced the following resolution:

Resolved, That the Committee on Military Affairs be instructed to consider the propriety of authorizing and requiring spring company and ball exercises, and abolishing militia musters as now required by law.

Resolved, That the Committee also be instructed to take into consideration the propriety of reorganizing the militia of this State by authorizing the raising of independent volunteer companies, regiments, battalions, and the propriety of distributing the public arms to the militia according to law, and on the propriety of requiring the officers and the Commander-in-chief to attend reviews, and the appointment of such to the General Assembly at the next session.

Resolved, That the Committee on Military Affairs be also instructed to consider the propriety of requiring military duty of all white male citizens over 18 years of age, and exempting all over 30 years of age, and that they have authority to report by bill or otherwise.

Which resolution was read, and the rule requiring resolutions to lay on the table one day being suspended, the said resolution was adopted.

Mr. Cross then introduced the following resolution:

Resolved, That the Committee on Elections be instructed to take into consideration the propriety and expediency of so amending the present law that the offices of Sheriffs, Trustees, Registers, Circuit Court Clerks, County Court Clerks, and Constables may be so changed as to be convenient at a more convenient time, and that they report by bill or otherwise.

Which resolution was read, and the rule requiring resolutions to lay on the table one day being suspended, said resolution was adopted.

Mr. Cross then introduced the following resolution:

Resolved, That the General Assembly of the State of Tennessee, That the tenth, eleventh and fourth section of the Constitution be so amended that the counties of Polk and Marion shall come under the general provisions of the Constitution in forming new counties.

Which resolution was laid on the table.

Mr. Cross introduced,

A bill, No. 6, to repeal an act passed on the 27th January, 1842, entitled an act to establish a criminal court in the county of Davidson.

Which bill was read a first time and passed.

Ordered, That said bill be referred to the Committee on the Judiciary.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, OCTOBER 6th, 1843.

The House met pursuant to adjournment.

Mr. Morrow presented a petition of Thomas McCullin and John Hoyal; for Legislative relief.

Ordered, That said petition be referred to the Committee on Claims.

Mr. Dearing presented the petition of Benjamin Rains and John Charnichael, praying the Legislature to grant the further time of one year to complete their turnpike road.

Which was read and referred to the Committee on Internal Improvements.

Mr. McGinnis presented the petition, No. 6, of sundry citizens of Hardin county, praying the distribution of the annual appropriation of Academy moneys among the different counties of this State, for the benefit of Common Schools, and also praying for the abolishment of the chancery court system.

Which was read and referred to the Committee on the Judiciary.

Mr. Alexander presented a memorial, No. 7, from the corporation of the city of Memphis, on the subject of the location of the National Armory, and Naval Depot, and Dock Yard.

Ordered, That said memorial be referred to a Select Committee of five members.

Thereupon the Speaker appointed messrs. Alexander, Maury, Miller of Hardeman, Avery, and Anderson, to be said committee.

Mr. Cheatham, from the Committee on Banks, to which was referred the report of the President of the Bank of Tennessee, with the accompanying documents, reported that said committee had had the same under consideration, and had instructed him to report the same to the House, and recommend the printing of 1500 copies of said report and accompanying documents, for the use of the House.

Which report was concurred in by the House, and 1500 copies of said report and accompanying documents ordered to be printed.

Message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution proposing to meet the House of Representatives in their hall, on Tuesday, the 10th inst., for the purpose of comparing the votes cast for Governor of the State of Tennessee at the last election; in which resolution the Senate ask the concurrence of the House of Representatives.

The Senate have also adopted a resolution proposing a joint select committee to prepare and report joint rules and orders for conference between the Senate and House of Representatives, and they have ap-

pointed messrs. Critz, Jennings, and Bradberry, to be of said committee on the part of the Senate; in which resolution the Senate ask the concurrence of the House.

Mr. Trott moved a reconsideration of the vote of the House ordering the printing of 1500 copies of the report of the President of the Bank of Tennessee and accompanying documents.

Which motion to reconsider was disagreed to by the House.

Mr. Farquharson moved that said report and accompanying documents be transmitted to the Senate, and that the clerk of the House be required to notify the Senate that the House of Representatives had ordered the printing of 1500 copies of the same for the use of the House.

Mr. Brooks moved that the motion of Mr. Farquharson be laid on the table.

And the question being taken on said motion, by Mr. Brooks, was determined in the affirmative.

Ayes	46
Nays	28

The ayes and nays being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Duggan, Glenn, Goodall, Goode, Hamilton, Hodsdon, Huddleston, Humphreys, Jourdon, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Moores, Morrow, Morris, Morman, Rawlings, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Anderson, Bobo, Burrus, Cherry, Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Garner, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Milligan, Nave, Powell, Scott, Smart, Trott, Turney, Walker of Hickman, Wann, and Wyley.

So said motion was agreed to by the House.

Mr. Crudup submitted the following resolution:

Resolved by the General Assembly of the State of Tennessee, That the 4th section of the 10th article of the constitution of said State be so amended as to permit the Legislature of said State to divide the county of Perry, making the Tennessee river the county line, a majority of the qualified voters of said county voting in favor of said division.

Mr. Moores submitted the following resolution:

Resolved, That the Senate meet the House of Representatives in their hall on Monday, the 16th instant, for the purpose of electing all the civil officers of the State, Judges, Attorneys General, &c., whom it devolves on this General Assembly to elect, and continue from day to day until all are elected.

Which resolutions were severally read and laid on the table.

On motion of Mr. Trott,

The House took up a bill from the Senate, No. 1, to establish permanently the seat of Government.

Mr. Trott thereupon moved to amend said bill by striking out the words, "town of Kingston, in the county of Roane," in the second and third lines of the bill.

And the question being taken on agreeing to said amendment, it was determined in the affirmative.

Yeas

47

Nays

27

The yeas and noes being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Huddleston, Jourdan, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Moores, Morrow, Morris, Roach, Scott, Sherrill, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Anderson, Burrus, Carson, Cleaveland, Cross of Sullivan, Crouch, Duggan, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Milligan, Morrow, Nave, Polk, Rawlings, Richardson, Rogers, Smart, Trott, Wann, Wheeler, and Williams.

So said amendment was adopted.

Mr. Morrow moved to fill the blank with "the town of Harrison, in the county of Hamilton."

The question being taken on agreeing to said amendment it was determined in the negative.

Yeas

24

Nays

60

The yeas and nays being called for by Mr. Morrow, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Burrus, Carson, Cleaveland, Cross of Sullivan, Crouch, Duggan, Gordon, Hodsden, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Milligan, Morrow, Polk, Rawlings, Richardson, Trott, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Eubank, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Hamilton, Houston, Hord, Huddleston, Jourdan, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Nave, Roach, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, and Wyley.

So said amendment was rejected.

Mr. Trott moved to fill the blank in the bill with the city of Nashville, in the county of Davidson.

Mr. Trimble moved to lay said amendment on the table.

And the yeas and nays being taken on agreeing to Mr. Trimble's motion it was determined in the affirmative,

Ayes	43
Nays	31

The ayes and nays being called for by Mr. Trott, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Deavenport, Dearing, Edwards, Glenn, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Rodgers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Anderson, Black, Burrus, Cherry, Cross of Sullivan, Crouch, Crudup, Duggan, Eubank, Farquharson, Fisher, Garner, Goode, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Richardson, Smart, Trott, Turney, Walker of Hickman, and Wann.

So the amendment offered by Mr. Trott, was ordered to the table.

Mr. Eubank moved to amend the bill, by filling the blank with the town of "Charlotte, in the county of Dickson."

And the question being taken on agreeing to Mr. Eubank's amendment, it was determined in the negative.

Ayes	17
Nays	57

The ayes and nays being called for by Mr. Eubank, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Burrus, Cherry, Eubank, Glenn, Gordon, Miller of Marshall, Polk, Richardson, Smart, Trott, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Morrow, Morris, Moorman, Nave, Rawlings, Roach, Rogers, Sherrill, Scott, Trice, Trimble, Turner, Turney, Tyler, Wann, and Wheeler.

So said amendment was rejected.

Mr. Wyley moved to amend the bill by filling the blank with the town of "Reynoldsburg, in the county of Humphreys."

And the question being taken on agreeing to said amendment, it was determined in the negative.

Ayes	27
Nays	46

The ayes and nays being called for by Mr. Wyley, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Bledsoe, Burrus, Cherry, Edwards, Eubank, Glenn, Gordon, Hodsdon, Humphreys, Jourdan, Lenoir, McGinnis, Morrow, Nave, Polk, Rawlings, Richardson, Scott, Trott, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Black, Bobo, Baddie, Bond, Bone, Brooks, Carson, Cleaveland, Coggin, Cheatham, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Garner, Goodall, Hamilton, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Mauty, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Roach, Rogers, Sherrill, Smart, Trice, Trimble, Turner, Turney, and Tyler.

So said amendment was rejected.

Mr. Black moved that the blank in said bill be filled with the town of "Shelbyville, in the county of Bedford."

And the question being taken on agreeing to said amendment, it was determined in the negative.

Ayes,	33
Nays,	41

The ayes and nays being called for by Mr. Black, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Burrus, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Farquharson, Fisher, Garner, Glenn, Gordon, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Smart, Trott, Turney, Walker of Hickman, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Dugan, Eubank, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdon, Mauty, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Wheeler, and Wyley.

So said amendment was rejected.

Mr. Coggin moved to fill the blank in said bill with "the town of Smithville, in the county of DeKalb."

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas,	30
Nays,	44

The ayes and nays being called for by Mr. Coggin, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Brooks, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Dearing, Duggan, Edwards, Garner, Glenn, Goodall, Gordon, Huddleston, Hughes, Kinney, Miller of Marshall, Milligan, Polk, Richardson, Rogers, Scott, Sherrill, Smartt, Trott, Walker of Hickman, Wain, and Williams.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Deavenport, Eubank, Farquharson, Fisher, Goode, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Bobo moved to fill the blank in said bill with "the town of Manchester, in the county of Coffee."

And the question being taken by the House on Mr. Bobo's amendment, said amendment was rejected.

Yeas,	35
Nays,	38

The ayes and nays being called for by Mr. Bobo, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Burrus, Cherry, Cross of Sullivan, Duggan, Edwards, Farquharson, Garner, Glenn, Gordon, Hodsdon, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Polk, Rawlings, Richardson, Smart, Trott, Turney, Walker of Hickman, Wain, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Eubank, Fisher, Goode, Hamilton, Hord, Humphreys, Jourdan, Maury, Moores, Moorman, Morris, Nave, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Wyley.

So said amendment offered by Mr. Bobo, was rejected.

Mr. Trott moved to fill the blank in said bill with the town of Woodlery, in the county of Cannon.

The question being taken on said amendment of Mr. Trott, was determined in the negative,

Yeas	39
Nays	42

The ayes and nays being called for by M. Trott and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Edwards, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Rogers, Smart, Trott, Turney, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Deavenport, Dearing, Duggan, Eubank, Farquharson, Fisher, Goode, Hamilton, Hodsden, Humphreys, Lauderdale, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Wyley.

Said amendment offered by Mr. Trott, was determined in the negative.

Mr. Brooks moved that said bill be amended, by filling the blank with "Menticello, in the county of Putnam."

The question being taken on said motion to amend, it was determined in the negative.

Yeas	27
Nays	46

The yeas and nays being called for by M. Brooks, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Burrus, Brooks, Coggin, Cross of Sullivan, Crouch, Dearing, Duggan, Glenn, Goodall, Gordon, Huddleston, Hughes, Humphreys, Kinney, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Rawlings, Rogers, Sherrill, Smart, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Goode, Hamilton, Hodsden, Hord, Houston, Jourdon, Lauderdale, Lenoir, McGinnis, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Scott, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wheeler, and Wyley.

So said amendment was rejected.

Mr. Rawlings moved to fill the blank in said Senate's bill, No. 1, with the town of "Chattanooga, in the county of Hamilton."

And the question being taken on agreeing to said amendment, it was determined in the affirmative.

Yeas	39
Nays	31

The ayes and nays being called for by Mr. Rawling, and ordered by the House

Those who voted in the affirmative were,

Messrs. Anderson, Black, Brooks, Burrus, Carson, Cherry, Cleaveland, Cross of Sullivan, Crouch, Duggan, Edwards, Garner, Glenn Goodall, Gordon, Hodsdon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Morgan, Morrow, Nave, Polk, Rawlings, Richardson, Sherrill, Smart, Trott, Walker of Williamson, Wan, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Eubank, Farquharson, Fisher, Goodall, Hamilton, Huddleston, Jourdan, McGinnis, Maury, Moores, Moorman, Morris, Roach, Rogers, Scott, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, and Wyle.

So said amendment, moved by Mr. Rawlings, filling the blank Senate's bill, No. 1, with the town of "Chattanooga, in the county Hamilton," was adopted.

Mr. Scott moved that the House adjourn until 2 o'clock, P. M.

Which motion was disagreed to by the House.

Mr. Goodall moved to reconsider the vote taken on the motion, Mr. Rawlings, filling the blank with the town of "Chattanooga, in the county of Hamilton."

Mr. Polk moved that the House adjourn until 2 o'clock, P. M.

Which motion was agreed to by the House.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of Senate's bill No. 1, to establish permanently the seat of Government.

The House thereupon proceeded to consider the motion made by Mr. Goodall, when the House adjourned, to reconsider the vote of the House, filling the blank with the town of "Chattanooga, in the county of Hamilton."

And the question being taken on agreeing to said motion, it was terminated in the affirmative.

Yeas,

40

Nays,

34

The ayes and nays being called for by Mr. Goodall and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Bledsoe, Bobo, Bone, Brooks, Cheatham, Cherry, Cross of Madison, Crudup, Dearing, Edwards, Eubank, Farquharson, Fisher, Goodall, Go, Hamilton, Huddleston, Jourdan, McGinnis, Maury, Moores, Moorman, Morris, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, and Wyle.

Those who voted in the negative are,

Messrs. Anderson, Burrus, Carson, Cleaveland, Cross of Sullivan, Coggin, Crouch, Duggan, Garner, Glenn, Gordon, Hodsdon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Nave, Polk, Rawlings, Richardson, Smart, Trott, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said motion made by Mr. Goodall, reconsidering the vote of the House, filling the blank with the town of "Chattanooga," was determined in the affirmative.

The question recurring on said motion, offered by Mr. Rawlings, to fill the blank in the bill with the town of "Chattanooga, in the county of Hamilton," and being again taken on agreeing to said motion, it was determined in the negative.

Yeas	32
Nays	42

The ayes and nays being called for by Mr. Rawlings and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Carson, Cross of Sullivan, Crouch, Duggan, Gordon Hord, Houston, Hughes, Hodsdon, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Nave, Polk, Rawling, Richardson, Smart, Trott, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Goodall, Goode, Hamilton, Huddleston, Jourdon, McGinnis, Maury, Moores, Moorman, Morris, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, and Wyley.

So said amendment was rejected.

Mr. Morris moved to fill the blank in said bill with the town of "Carrollsville, in the county of Wayne."

And the question being taken on agreeing to said amendment, it was determined in the negative.

Ayes,	22
Nays,	51

The ayes and nays being called for by Mr. Morris, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Bledsoe, Burrus, Edwards, Glenn, Goode, Gordon, Hodsdon, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Morris, Morrow, Polk, Richardson, Trimble, Walker of Hickman, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Black, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Goodall, Goode, Hamilton, Huddleston, Jourdon, McGinnis, Maury, Moores, Moorman, Morris, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, and Wyley.

Farquharson, Fisher, Garper, Goodall, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Nave, Rawlings, Roach, Rogers, Scott, Sherrill, Smart, Trice, Turner, Turney, Tyler, Walker of Williamson, and Wann.

So said motion was agreed to by the House.

Mr. Nave moved to fill the blank in said bill with the town of "Taylorsville, in the county of Johnson."

And the question being taken on said amendment, it was determined in the affirmative, by a majority of the House.

Mr. Edwards moved a reconsideration on said amendment, offered by Mr. Nave.

And the question being taken on the adoption of said motion, it was determined in the affirmative.

Mr. Smart moved to fill the blank in Senate bill, No. 1, for establishing and locating permanently the seat of Government, with the town of "McMinville, in the county of Warren."

And the question being taken on agreeing to said amendment, it was determined in the affirmative.

Ayes	33
Nays	26

The ayes and nays being called for by Mr. Smart, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Burrus, Coggin, Cross of Sullivan, Crouch, Dearing, Duggan, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Polk, Rawlings, Richardson, Rogers, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carsen, Cheatham, Cherry, Cleaveland, Cross of Madison, Crudup, Deavenport, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Maury, Moores, Moorman, Morris, Nave, Roach, Scott, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Wyley.

So said amendment was determined in the affirmative.

Mr. Gordon moved a reconsideration of the vote of the House, on Mr. Smart's amendment, to the Senate's bill, No. 1, filling said bill with the town of "McMinville, in the county of Warren."

And the question being taken on the reconsideration of the vote of the House on said motion, it was determined in the affirmative.

Ayes	41
Nays	33

The ayes and nays being called for by Mr. Gordon and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond,

Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cradup, Deavenport, Edwards, Eubank, Goodall, Goode, Gordon, Hamilton, Hodsdon, Jourdan, McGinniss, Maury, Moores, Moorman, Morris, Morrow, Nave, Roach, Scott, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Black, Burrus, Cross of Sullivan, Crouch, Dearing, Duggan, Farquharson, Fisher, Glenn, Garner, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Rawlings, Richardson, Rogers, Sherrill, Smart, Trott, Turney, Wann, Wheeler, and Williams.

So said motion to reconsider was determined in the affirmative.

And thereupon Mr. Smart withdrew his motion to amend the bill by filling the blank with the town of "McMinaville, in the county of Warren."

Mr. Polk moved to fill the blank in said Senate's bill, No. 1, with the town of "Columbia, in the county of Maury."

And the question being taken on agreeing to said amendment, it was determined in the affirmative.

Ayes,

38

Nays,

36

The ayes and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Burrus, Cross of Sullivan, Crouch, Cradup, Deavenport, Edwards, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Polk, Richardson, Scott, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Dearing, Duggan, Eubank, Goodall, Hamilton, Hodsdon, Jourdon, Lenoir, Maury, Moores, Moorman, Morrow, Nave, Rawlings, Roach, Rogers, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Wyley.

So said amendment was adopted.

Mr. Polk moved to lay said bill on the table, and make it the order of the day for to-morrow morning, 9 o'clock.

And the question being taken on agreeing to said motion, it was determined in the negative.

Ayes

31

Nays

43

The ayes and nays being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Burrus, Cross of Sullivan, Crouch

Crudup; Deavenport, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Scott, Smart, Trott, Turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative were,

Messrs. Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brool s, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Dearing, Duggan, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rogers, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said motion to lay on the table was determined in the negative.

Mr. Farquharson offered an amendment to Senate's bill, No. 1, by adding another section to said bill, as follows:

Sec. 2. *Be it enacted*, That the General Assembly of the State of Tennessee, shall hold its session, and the public officers shall continue to keep their offices in the city of Nashville, in the county of Davidson, until such time as suitable arrangements can be made for their reception at the place where the seat of government shall be permanently located.

Mr. Goodall moved to lay said amendment on the table.

The question being taken by the House, to lay on the table, it was determined in the affirmative.

Ayes

38

Nays

36

The ayes and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Coggin, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Rogers, Sherrill, Trice, Trimble, Trott, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Anderson, Black, Burrus, Carson, Cherry, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Houston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Turney, Walker of Hickman, Wan, and Wyley.

So said amendment was ordered, by vote of the House, to the table.

Mr. Humphreys moved to reconsider the vote of the House, on Mr. Polk's amendment, filling the blank in Senate's bill, No. 1, with the town "Columbia, in the county of Maury."

Mr. Gordon moved an adjournment of the House, until to morrow morning, 9 o'clock.

The question being taken by the House, on motion of the adjournment, it was determined in the negative.

Yeas

17

Nays

57

The ayes and nays being called for by Mr. Gordon and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Cherry, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hughes, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Stuart, Trott, and Walker of Hickman.

Those who voted in the negative were,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Moores, Moorman, Morris, Morrow Nave, Rawlings, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Turney, Turner, Tyler, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said motion to adjourn was disagreed to by the House.

The question then recurring on the reconsideration of the amendment, offered by Mr. Polk, filling the blank with the town of "Columbia, in the county of Maury," it was determined in the affirmative.

Yeas

48

Nays

26

The ayes and nays being called for by Mr. Humphreys and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crouch, Dearing, Duggan, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsden, Hord, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Maury, Morris, Moores, Moorman, Morrow Nave, Rawlings, Roach, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Wyley.

Those who voted in the negative were,

Messrs. Anderson, Black, Burrus, Cross of Sullivan, Crudup, Deavenport, Farquharson, Fisher, Garner, Glenn, Gordon, Houston, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Richardson, Polk, Trott, Turney, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

So said motion to reconsider the amendment offered by Mr. Polk, was agreed to by the House.

Thereupon Mr. Polk withdrew his motion to amend the blank with Columbia, in the county of Maury.

Mr. Speaker Barringer, Mr. Polk in the Chair, moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following amendment:

"That the seat of Government for the State of Tennessee be, and

the same is hereby, fixed and located at the most eligible point within 10 miles of the geographical centre of the State; and that three Commissioners, one from each grand division of the State, be elected by joint or concurrent vote of the General Assembly to ascertain by actual survey, said centre and locate the same upon oath, and report to the Governor, who shall make proclamation of the same."

Which amendment being read, it was agreed to by the House.

Ayes 39

Nays 35

The ayes and nays being called for by Mr. Speaker Barringer, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Brooks, Burrus, Carson, Coggin, Cross of Sullivan, Crouch, Dearing, Duggan, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Rogers, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Cone, Cheatlam, Cherry, Cleveland, Cross of Madison, Crutup, Deavenport, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Rouch, Scott, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Wyley.

Said amendment offered by Mr. Speaker Barringer, was agreed to by the House.

Mr. Williams moved a reconsideration of the vote of the House on the amendment offered by Mr. Speaker Barringer.

Thereupon Mr. Boddie moved that the House adjourn until 7 o'clock, P. M.

Which was agreed to by the House.

NIGHT SESSION.

The House met pursuant to adjournment, and resumed the consideration of Senate's bill, No. 1, to establish permanently the seat of Government.

On motion of Mr. Williams,

The House proceeded to consider the motion made by him, and pending when the House adjourned, to reconsider the vote of the House adopting the amendment offered by Mr. Speaker Barringer.

And the question being taken on said motion to reconsider said vote of the House, it was determined in the affirmative.

Ayes 44

Nays 30

The ayes and nays being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsden, Houston, Humphreys, Jourdan, Lenoir, Maury, Morris, Moorman, Moores, Morrow, Nave, Rawlings, Roach, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wyley.

Those who voted in the negative were,

Messrs. Anderson, Black, Bobo, Burrus, Caggin, Cross of Sullivan, Crouch, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Rogers, Smart, Trott, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So the House agreed to reconsider the vote of the House, adopting the amendment offered by Mr. Speaker Barringer.

And thereupon Mr. Speaker Barringer withdrew said amendment.

Mr. Bond moved to take up from the table the motion of Mr. Trott, to fill the blank in said bill with the town of "Nashville, in the county of Davidson;" which had been laid on the table by a vote of the House this forenoon.

And the question being taken on agreeing to said motion, it was agreed to by the House.

The question then recurred on filling the blank with the town of "Nashville, in the county of Davidson."

Whereupon Mr. Trott withdrew his motion to fill the blank with the town of "Nashville, in the county of Davidson."

And thereupon Mr. Bond renewed the motion, withdrawn by Mr. Trott.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas,

43

Nays,

31

The yeas and nays being called for by Mr. Bond and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Caggin, Crudup, Cross of Madison, Deavenport, Duggan, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsden, Houston, Humphreys, Jourdan, Lenoir, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Scott, Sherrill, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wyley.

Those who voted in the negative were,

Messrs. Anderson, Black, Bobo, Burrus, Cross of Sullivan, Crouch, Dearing, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Rogers, Smart, Trott, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So the motion to amend the bill by filling the blank with the town of Nashville, in the county of Davidson, was agreed to by the House. Mr. Polk then moved that the House adjourn until to-morrow morning, 9 o'clock.

Which motion was disagreed to by the House.

Mr. Walker of Williamson then moved a reconsideration of the vote of the House, filling the blank in the Senate's bill, No. 1, with the town of Nashville, in the county of Davidson.

Which motion was disagreed to by the House.

Mr. Polk moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof an amendment proposing to locate the seat of Government within one half mile of the town of Kingston, in the county of Roane, or the town of Knoxville, in the county of Knox.

Which motion was declared by the Speaker to be out of order, without first reconsidering the vote of the House, filling the blank by inserting the town of Nashville, in the county of Davidson.

Mr. Polk thereupon moved that said bill be committed to a select committee with specific instructions to report a bill in lieu of the Senate's bill permanently locating the seat of Government, at the town of Kingston, in the county of Roane, or at the town of Knoxville, in the county of Knox.

Mr. Hodsdon moved that said motion to recommit the bill be laid on the table.

And the question being taken by the House in agreeing to said motion to lay on the table, it was determined in the affirmative.

Ayes

41

Nays

33

The ayes and nays being called for by Mr. Hodsdon and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Black, Biedsee, Boddie, Bond, Bontrucks, Cheatham, Cherry, Cleveland, Gorgin, Cross of Madison, Grudup, Heavensport, Dearing, Duggan, Edwards, Eubank, Goodale, Hamilton, Hodsdon, Jourdon, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Beach, Rogers, Scott, Trice, Trumbull, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wy-

Those who voted in the negative were,

Messrs. Anderson, Babo, Batus, Carson, Cross of Sullivan, Crouch, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Ardeman, Miller of Marshall, Milligan, Nave, Polk, Richardson, Terril, Smart, Trott, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So the House agreed to lay the motion to commit on the table.

Mr. Bond then moved the previous question.

Mr. Farquharson moved that there be a call of the House.

Which motion was rejected.

Mr. Walker of Hickman then moved that the House adjourn until tomorrow morning, 9 o'clock.

And the question being taken by the House on said motion to adjourn it was determined in the negative.

Ayes

31

Nays

42

The ayes and nays being called for by Mr. Walker of Hickman and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Burrus, Cherry, Cross of Sullivan, Crouch, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Huddleston, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Sherrill, Smart, Trot, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Deavenport, Duggan, Edwards, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdon, Lenoir, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Scott, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wyley.

So the House refused to adjourn.

The previous question as moved by Mr. Bond was then demanded by a majority of the members present.

Mr. Farquharson then moved that the House adjourn until tomorrow morning, 9 o'clock.

The question being taken on said motion, it was determined by the House in the negative.

Ayes

30

Nays

43

The ayes and nays being called for by Mr. Farquharson and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Burrus, Cherry, Cross of Sullivan, Coggin, Crouch, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Sherrill, Smart, Trot, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Deavenport, Duggan, Edwards, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdon, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rogers, Scott, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wyley.

So said motion to adjourn was rejected by the House.

The previous question as moved by Mr. Bond, and demanded by a

majority of the members present was then taken, "shall the main question be now put?" and it was determined in the affirmative.

Yeas	42
Nays	31

The yeas and nays being called for by Mr. Farquharson, and ordered by the House.

Those who voted in the affirmative were,
Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Coggin, Deavenport, Duggan, Edwards, Goodall, Goode, Hamilton, Hodsdon, Houston, Humphreys, Jourdan, Lenoir, Maury, Morris, Moorman, Morrow, Moores, Nave, Rawlings, Roach, Rogers, Scott, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wyley.

Those who voted in the negative were,
Messrs. Anderson, Black, Bobo, Burrus, Cherry, Cross of Sullivan, Crouch, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So the House ordered the main question to be now taken.

The bill as amended was then read a third time.

And thereupon the main question being taken, "shall the bill pass?"

It was determined in the affirmative.

Yeas	50
Nays	24

The yeas and nays being called for by Mr. Goodall, and ordered by the House,

Those who voted in the negative were,
Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Coggin, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Glenn, Goodall, Goode, Gordon, Hodsdon, Hamilton, Houston, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Wyley.

Those who voted in the affirmative were,
Messrs. Anderson, Black, Bobo, Burrus, Cross of Sullivan, Crouch, Dearing, Farquharson, Garner, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Richardson, Smart, Trott, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So said bill as amended passed on its third and last reading in this House, and was ordered to be transmitted to the Senate.

Mr. Black moved that the House adjourn until to-morrow morning, 9 o'clock.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas

28

Nays

45

The yeas and nays being called by Mr. Bledsoe, and ordered by the House.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bobo, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Milligan, Polk, Richardson, Trott, Walker of Hickman, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Deavenport, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Wyley.

So the House refused to adjourn.

Mr. Bond moved that the House reconsider the vote on the final passage of the Senate's bill, No. 1, locating the seat of Government at the "town of Nashville, in the county of Davidson."

And the question being taken by the House on agreeing to said motion, it was determined in the negative.

Yeas

16

Nays

57

The yeas and nays being called for by Mr. Bond, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Burrus, Farquharson, Garner, Huddleston, Hughes, Lauderdale, McGinnis, Miller of Marshall, Polk, Richardson, Smart, Trott, Turney, Walker of Williamson, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rogers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Hickman, Wheeler, Williams, and Wyley.

So the House refused to reconsider the vote of the House on the final passage of said bill.

On motion of Mr. Sherrill,

At 11 o'clock, P. M. the House adjourned until to morrow morning, 9 o'clock.

SATURDAY, OCTOBER 7th, 1843.

The House met pursuant to adjournment.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate concur in the amendments of the House of Representatives to the Senate's bill, No. 1, to establish permanently the seat of Government.

The Speaker announced the appointment of Mr. Bone on the Committee on Enrolled Bills, in the place of Mr. Williams, who was excused by the House from serving on said committee.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled bill entitled an act to establish permanently the seat of Government; which enrolled bill has been ordered to be transmitted to the House of Representatives for the signature of the Speaker thereof.

The Speaker of the House thereupon signed said enrolled bill.

Ordered that the Clerk acquaint the Senate therewith.

On motion of Mr. Brooks,

The House took up the resolution, submitted by him on yesterday, proposing the appointment of a select committee on public printing.

Which resolution was read.

Mr. Polk of Maury moved to amend said resolution, by adding thereto the following words:

"And that the committee be instructed to examine the sealed proposals, presented in accordance with the proclamation of the Secretary of State, and report to this House the lowest bid presented."

Which amendment was agreed to by the House.

The resolution was further amended by filling the blank with five.

And thereupon said resolution as amended was adopted.

Whereupon the Speaker announced the appointment of Messrs. Brooks, Bone, ~~Thompson~~ Thompson, Rogers, and Gordon to be of said Committee.

On motion of Mr. Brooks,

Ordered that Mr. Humphreys be appointed a member of the Committee on New Counties and County Lines.

Mr. Huddleston presented the following preamble and resolution:

Whereas, His Excellency, the Governor, has recommended in his Message to the General Assembly, in substance and effect, a direct tax upon the people to raise a fund to meet the accruing interest upon the bonds of the State; and whereas, at a time like this, of great pecuniary embarrassment, any increase of the taxes would operate oppressively upon the great body of the people; therefore,

Resolved, That instead of any increase of taxes for the purpose of providing a fund to meet, at least in part, the accruing liabilities of the State upon said State bonds, that a general reduction of 25 per cent. be made upon the compensations of all the officers of the State, commencing with the Governor, and that the saving thus provided, form a fund to be applied annually to the payment of the State debts, and that the reduction apply to

and door-keepers, and that the Committee on Finance be instructed to take the subject under consideration, and report by bill or otherwise.

Mr. Coggin submitted the following resolution:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their hall on Tuesday the 17th October, 1843, to elect a Senator to the Congress of the United States, to fill the unexpired term of the Honorable Felix Grundy deceased, and also to elect a Senator to the Congress of the United States for six years to succeed the honorable Alexander Anderson, from the 4th of March, 1841.

Mr. Kinney submitted the following resolution:

Resolved, That the Committee on Internal Improvements be instructed to report to this House at as early a day as practicable the amount of money expended for the improvement of the rivers in East Tennessee, East of Knoxville.

Mr. Carson submitted the following resolution:

Resolved, That the Senate meet the House of Representatives in the Representative hall on Wednesday the 12th inst., at 10 o'clock A. M. for the purpose of electing an Attorney General for the 12th Judicial circuit of the State of Tennessee.

Which resolutions were severally read and laid on the table.

On motion of Mr. Glenn,

Ordered, That Mr. Polk have leave of absence until Wednesday morning next.

On motion of Mr. Rogers,

The House excused him from serving on the Select Committee Public Printing.

Thereupon the Speaker announced the appointment of Mr. Walker of Williamson as a member of said Committee in the place of Mr. Rogers.

Mr. Lauderdale submitted the following resolution:

Resolved, That it is the duty of this Legislature to fix by law the time and manner of electing Senators in the Congress of the United States from the State of Tennessee, and that this subject be referred to the Committee on Federal Relations, and that they report by bill or otherwise.

Which resolution was read and laid on the table.

On motion of Mr. Glenn,

The House adjourned until Monday morning, 9 o'clock.

MONDAY, OCTOBER 9th, 1843.

The House met pursuant to adjournment.

Mr. Lenoir presented the petition, No. 8, from sundry citizens of Boone county and of the county of Monroe, praying an amendment to the cessioning land law of 1806, chap. 1, sec. 21.

Which was read and ordered to be referred to the Committee Public Lands.

of Tennessee militia, praying an amendment of the militia of this State.

Ordered, That said petition be referred to the Committee on Military Affairs.

Mr. Sherrill presented the petition, No. 10, of Sherrill Brake and other citizens, praying the Legislature to restore the said Brake to the rights of citizenship.

And ordered to be transmitted to the Senate.

Mr. Rawlings presented a petition from sundry citizens of the county of Marion, praying for Legislative relief to Raphael Shelton, the Sheriff of Marion county.

Which was read and referred to the Committee on Claims.

Mr. Moores presented the petition of sundry citizens of the county of Smith and citizens of Rome in said county, praying the Legislature to pass an act of incorporation for the said town.

Which was read and ordered to be transmitted to the Senate.

Mr. Bledsoe presented a petition, No. 13, of sundry citizens of the county of Carroll, praying the passage of an act bringing on the elections for county officers at an earlier day than as established by the existing law.

Ordered, That the said petition be referred to the Committee on Elections.

Mr. Alexander, from the Committee on Public Lands, to which was referred "A bill, No. 2, giving further time for making surveys and obtaining grants in this State," reported that said Committee have had said bill under consideration, and had instructed him to report said bill without amendment, and to recommend the passage of the bill.

Which bill was read a third time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative.

Ayes,

69

Nays,

None

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Burris, Carson, Cleatham, Cherry, Cleaveland, Coggins, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Trost, Turner, Turney, Tyler, Walker of Hickman, Waller of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in the House, and was ordered to be engrossed, and transmitted to the Senate.

Mr. Black from the select Committee on Job Printing of the House of Representatives, submitted the following report:

The select committee appointed by a resolution of this House, to examine the sealed proposals lodged with the Secretary of State, in re-

lation to the Job Printing of the House of Representatives during the present Session, have had the subject under consideration, and have instructed me to report that there is but one proposal made, to wit: W. F. Bang & Co., and B. R. McKennie, jointly, which proposal is herewith submitted. They have also instructed me to report the following resolution:

Resolved, By the House of Representatives, that the proposal of W. F. Bang & Co., and B. R. McKennie, to execute the job printing of the House of Representatives, be accepted and that they be authorised to execute the Job Printing of the House of Representatives during the present session upon the terms set forth in the proposal herewith transmitted.

All of which is respectfully submitted.

THOMAS BLACK, Chairman.

Said proposals for job printing were thereupon read at the clerk's table as follows:

The law requires proposals for job printing to "specify particularly the price per thousand ems for close work for the first hundred copies and for every hundred copies thereafter, the price for open work per page for the first hundred copies, printed in small pica type."

In accordance with the above requisitions of the law we propose to execute the job work of either or both Houses of the Legislature on the following terms, to wit: composition per 1000 ems for the first 100 copies, of close work \$1 12½, for every 100 copies thereafter, no charge.

It is expected, however, that every order will embrace the full number wanted, otherwise, or if our type has been distributed previous to the second order, we shall have to charge the full amount of the first price.

A specimen of the work and paper accompanies this, marked No. 1.

The specimen of open work, marked No. 2, contains 3000 ems, according to the usual measurement of operative printers, and the composition will be executed at \$1 12½ per thousand, which is \$3 27½ per page, for any number of copies. We will execute the press work at \$1 12½ per token; for paper we will charge the cost with the addition of 10 per cent. to cover waste.

The binder's bill for folding and stitching will be added; rule and figure work in composition will always be charged double price.

These prices are the same as each House of the General Assembly has paid for the last 12 or 15 years.

Our workmen have experience in executing Legislative work, and we are in every respect prepared to deliver it with the same promptness as it has heretofore been done.

Respectfully,

W. F. BANG, & CO.

Publishers of the Republican Banner.

B. R. MCKENNIE,

Nashville Whig Print Press.

Sept. 31, 1873.

W. F. B.

Thereupon the House concurred in said resolution reported by the committee, accepting the proposal of W. F. Bang & Co., and B. F. McKennie, for the job printing of the House of Representatives.

Mr. Black, from the committee of the rules of the House, and also on the joint rules of intercourse between the Senate and House of Representatives, reported that said committee had had the subject referred to them under consideration, and had instructed him to report the following rules for the government of the House of Representatives, and also the joint rules for the intercourse between the two Houses, and to recommend their adoption by the House.

The said rules are as follows:

RULES OF ORDER—DUTIES OF THE SPEAKER

1st. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day, shall call the House to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read.

2d. He shall preserve order and decorum, may speak to points of order in preference to other members, always rising from his seat for that purpose; and shall decide questions of order subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3d. He shall rise to put a question, but may state it sitting.

4th. He shall put questions audibly and distinctly in this form, to wit:

—Gentlemen in favor of (as the question may be) say "Aye," and after the affirmative vote is expressed, gentlemen of contrary opinion say "no." If the Speaker doubts, or a division is called for by a member before the decision of the House is declared by the chair, the House shall divide.

Those of the affirmative shall first rise from their seats, and afterwards those in the negative.

5th. The Speaker shall have the general superintendence and direction of the Hall, and shall assign seats for persons invited within the Hall of the House.

6th. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7th. He shall appoint all committees, unless otherwise directed by the House; in which latter case they shall be appointed by a vote of the House viva voce and a plurality of votes shall prevail.

8th. All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, subpoenas, and other process issued in order of the House, shall be under his hand and seal and attested by the Clerk.

9th. In case of any disorderly conduct or disturbance in the lobby the Speaker shall have the power to order the same to be cleared.

10th. He may admit strangers and newspaper reporters within the

bar of the House and assign them such seats as shall not interfere with the convenience of members.

11th. On the ayes and noes the Speaker's name shall be last called by the clerk.

ORDER OF BUSINESS.

12th. As soon as the Journal is read, the Speaker or the clerk shall call, first, for petitions and memorials from the members of each county and district; second, for reports from standing committees, and third, unfinished business in which it was engaged at the last preceding adjournment, or at the pleasure of the House, to any other business that may be called up or presented; all questions relating to the priority of business to be acted on shall be decided without debate.

OF DECORUM AND DEBATE.

13th. When any member is about to speak in debate or deliver any matter whatever to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and awaiting the notice of the Speaker, shall strictly confine himself to the question under debate and avoid personalities.

14th. If any member in debate or otherwise, shall transgress the rules of the House, the Speaker shall, and any member may, call to order; in which case the member so called to order shall immediately seat himself until permitted to explain. The decision of the chair on the question of order shall be submitted to unless the party appeals to the House, when a decision shall be had without debate; if the decision shall be in favor of the member he shall be at liberty to proceed; if otherwise he shall not proceed without leave, and shall the case require it he shall be liable to the censure of the House.

15th. When two or more members rise at once the Speaker shall name the member who is first to be heard.

16th. No member shall speak more than twice on the same subject without leave of the House, nor more than once until every member choosing to be heard shall have spoken once.

17th. If a question be suspended or dismissed by adjournment and revived on a succeeding day, no member who shall have spoken twice on a preceding day shall be permitted to speak again without leave.

18th. Whilst the Speaker is putting a question or addressing the House, no one shall walk out of or across the House, nor in such case or when a member is speaking shall any one entertain discourse or pass between such member speaking and the chair.

19th. No member shall vote on any question in the event of which he shall be immediately or directly interested; nor in any case when he was not within the bar when his name was called.

20th. Every member who shall be within the bar when his name is called (except as above stated on account of interest) shall give his vote, unless the House shall, for special reasons, excuse him.

21st. Upon the ayes and noes, or upon division and count, no member who was not within the bar of the House shall answer or vote.

22d. When by order of the House the Speaker rises to submit a question, or when upon the ayes and noes the name of the first member in the roll shall have been called by the clerk, all debate is at an end, and no motion is in order until the decision of the House is declared from the chair.

23d. No member shall absent himself from the service of the House unless he have leave or be sick and unable to attend.

OF MOTIONS.

24th. When a question is under debate the motion shall be "to adjourn," "to lie on the table," "for the previous question," "to postpone indefinitely," "to strike out the enacting clause of a bill," "to postpone to a day certain," or "to commit;" and said resolutions shall have precedence in the order in which they are here stated.

25th. No motion "to postpone indefinitely," "to strike out enacting clause of a bill," "to postpone to a day certain," or "to commit," being decided, shall again be allowed on the same day, and at the same stage of a bill or proposition.

26th. A motion to "postpone indefinitely," or "to strike out the enacting clause of a bill," if carried, is equivalent to a rejection.

27th. A motion "to adjourn" is always in order; that and a motion "for the previous question," and a motion "to lay on the table," shall be decided without debate.

28th. The previous question precludes all amendments and further debate, and demands the sense and will of the House on the main question, that is, on the bill or proposition in the shape in which it stood before the House when the debate commenced or when the last motion to amend was submitted; it shall only be admitted when demanded by a majority of the members present.

29th. No motion differing from that under consideration shall be admitted under color of amendment.

30th. When a motion has been made and carried in the affirmative or negative it shall be in order for any member voting with the majority to move for a reconsideration thereof at any time the same day, or two next succeeding days; and no motion to reconsider shall be admitted thereafter.

31st. Every motion shall be reduced to writing if desired by the mover or a member.

32d. After a question is stated from the chair or read by the clerk, it shall be deemed to be in possession of the House, but may be withdrawn by the mover at any time before a decision for amendment.

33d. Any member may move for the division of a question, and if the clerk is unable to separate the questions, the Speaker shall be distinct that one being away the rest shall be decided by the decision of the House.

34th. A motion "to be read and agreed to" shall be divisible.

35th. When a motion is made for a vote on a question, and different comments are proposed on the question, the Speaker shall be in the following order:

Her: the Committee of the Whole, a Standing Committee, a Select Committee:

36th. Motions and reports may be committed at the pleasure of the House.

OF COMMITTEES.

37th. There shall be sixteen standing committees, to wit:

A Committee of Elections.

“ Of Ways and Means.

“ On Finance.

“ On Claims.

“ On Education and Common Schools

“ On Internal Improvements.

“ On Military Affairs.

“ On New Counties and County Lines.

“ On Public Lands.

“ On the Judiciary.

“ On the Penitentiary.

“ On Banks.

“ On Enrolled Bills.

“ On Federal Relations.

“ On the Lunatic Asylum.

“ On Agriculture and Manufactures.

38th. It shall be the duty of the Committee on Elections, to examine and report the credentials of members returned to serve in this House and to take into their consideration all such petitions and other matters touching elections, as shall or may be presented or come into question and be referred to them.

39th. The Committee of Ways and Means shall have the consideration of all such propositions touching the revenue, and the assessment of taxes - as may be referred to them; they shall inquire into the state of the public debt, and the public revenue and report from time to time their opinion thereon.

40th. The Committee on Finance shall take into consideration the accounts of the State Treasurer; they shall settle with the State Treasurer, and also report from time to time such provisions as may be necessary to add to the economy and accountability of that department.

41st. The Committee on Claims shall take under consideration all such petitions, matters, and things, touching claims or demands against the State, as shall be referred to them, and report their opinion thereon, with such proposition of relief therein, as to them shall seem expedient.

42d. The Committee on Education and Common Schools shall take under consideration a system of education by colleges, and academies, and common schools; they shall examine and report the situation of the colleges, academies, and common school funds, the best means of securing and increasing their funds, and such other matters and things touching colleges, academies, and common schools, and the funds thereof as shall be referred to them by the House.

43d. The Committee on Internal Improvements shall take into consideration all matters and things touching the developement of the resources of the State as may be referred to them.

44th. The Committee on Military Affairs shall take into consideration all such subjects relating to the military establishments of the State as may be referred to them by the House, and report their opinion thereon.

45th. The Committee on Public Lands shall take into consideration all such petitions, matters, and things as relate to the land offices, land warrants, private land claims, and the public lands belonging to the State, as shall come in question and be referred to them by the House.

46th. The Committee on the Judiciary shall take into consideration all such petitions, matters, and things touching the establishment of courts of justice and judicial proceedings as shall be presented or may come in question and be referred to them by the House.

47th. The Committee on the Penitentiary shall take into consideration and report the state and condition of the penitentiary; they shall have power to settle with the keeper thereof and to report to the House such improvements and amendments in the policy and management of the penitentiary as in their opinion may best promote the purposes for which it was established.

48th. The Committee on Banks is vested with full and ample power to call upon the different Banks in this State in whose funds the State has an interest and to make such examinations therein as the charters of said Banks may permit; they shall report to the House all such matters and things touching said Banks, and the rights of the State connected therewith as they shall deem advisable, together with a recommendation of such measures as to them may seem expedient.

49th. It shall be the duty of the Committee on Enrolled Bills carefully to collect, and examine, and report all acts, resolutions, and other proceedings finally passed and acted upon by the House, and ordered to be enrolled.

50th. The Committee on New Counties and County Lines shall take into consideration all petitions, matters and things touching the establishment of new counties and the alteration of county lines as shall be presented or may come in question and be referred to them by the House.

51st. The several standing committees shall have leave to report by bill or otherwise.

52d. No committee shall sit during the sitting of the House without special leave.

COMMITTEE OF THE WHOLE.

53d. All bills on second reading, at the pleasure of the House, a majority of the members present voting therefor, shall be considered in the same manner as if the House were in committee of the whole, and when the House shall consider a bill, resolution, or other paper, as in committee of the whole, the Speaker shall call a member to fill the chair.

54th. When the House shall consider a bill or resolution as in committee of the whole, the rules of proceeding in the House so far as the same is applicable, shall be observed except that the ayes and noes shall never be called for and no previous question can then be put, and every member shall speak as often as he pleases provided that no member shall speak twice to a question until every member choosing to speak shall have spoken.

OF BILLS AND ACTS.

55th. Any member may on motion and leave, introduce a bill, and all bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise.

56th. All acts and resolutions ordered to be engrossed shall be executed in a fair hand.

57th. No amendment by way of rider shall be received to a bill on its third reading.

RESCINDING AND SUSPENDING OF RULES.

58th. No standing rule or order of the House shall be rescinded without one day's notice being given of the motion thereof, nor shall any rule be suspended except by a vote of at least two thirds of the members present.

59th. All resolutions shall be read and lie on the table one day unless the House shall otherwise expressly allow.

60th. Petitions, memorials, and other papers addressed to the consideration of the House shall be presented by the Speaker or by a member in his place and a brief statement of the contents of such petition, memorial or paper shall be endorsed on the back thereof.

61st. Putting up bills the longest time and the largest sum shall be put first.

62d. It shall be the duty of the Clerk to number all bills, either reported by Committees or introduced by individual members, in the order of time in which they were reported or introduced, and bills passed on one day shall invariably stand as the order of the day for the succeeding day unless specially ordered otherwise by the House, and bills of an older number shall have priority over bills of a younger number in either passage, unless specially otherwise directed by the House.

63d. Bills from the Senate shall have priority of action over bills of the House, containing the substance or subject matter of legislation; when delivered to the House before final action of the House upon such bill containing the same matter or substance.

64th. It shall be the duty of the Committee on Federal Relations, to take into consideration all subjects connected with relations of the State to the Federal Government, or with any departments thereof, and such other matters connected with the same as may be referred to them by the House, and to report from time to time their opinion thereon, together with such propositions relative thereto as to them may seem expedient.

65th. It shall be the duty of the Committee on the Lunatic Asylum to investigate the state and condition of that institution, and all matters and things connected therewith, and report from time to time thereon.

66th. It shall be the duty of the Committee on Agriculture and Manufactories to take into consideration all such petitions, memorials, matters, or things touching agriculture and manufactories of this State, as shall be presented or may come in question and be referred to them by this House, and report from time to time their opinion thereon.

Which is respectfully submitted.

THOMAS BLACK, *Chairman.*

JOINT RULES OF THE TWO HOUSES.

1st. In every case of amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee, such committees shall at a convenient hour, (to be named by the Chairman,) meet in conference and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer fully thereon.

2d. Messages shall be sent by the Clerk.

3d. When a messenger shall be sent from the Senate to the House of Representatives, he shall be announced at the door of the House by the Doorkeeper, and he shall respectfully communicate his message to the chair.

4th. The same ceremonies shall be observed when a message is sent from the House of Representatives to the Senate.

5th. All bills on passage between the two Houses shall be under the signature of the Clerk.

6th. Bills shall be enrolled by the Clerk of the House or the Clerk of the Senate as the same may have originated in the one or the other House.

7th. The Committee on Finance, on Banks, and on the Penitentiary of both Houses, shall be a joint committee.

8th. After examination and report, bills shall be signed first by the Speaker of the House of Representatives and then by the Speaker of the Senate.

9th. When a bill or resolution passed in one House is rejected in the other, notice thereof shall be given in the House in which it passed.

10th. Each House shall transmit to the other all papers upon which any bill or resolution shall be founded.

11th. All bills which may have passed a third time shall be engrossed in a fair hand and certified by the clerk of the House in which it they may have originated before being sent to the other.

Which is respectfully submitted.

PHILIP CRITZ, *Chairman of the Senate.*

THOMAS BLACK, *Chairman of the House.*

Mr. Carson moved that the House take up the resolution, No. 26, submitted by him on Saturday, the 7th inst., for electing an Attorney General for the 12th Judicial Circuit.

Which motion was agreed to by the House.

On motion of Mr. Cleveland,

Said resolution was ordered to the table.

Mr. Farquharson moved to strike out all of the 28th rule to the word "that," in the 4th line, and to insert in lieu thereof the following words:

"The previous question precludes all further amendments, and debate, and demands the sense and will of the House—first on the amendments then pending, in the order in which they were offered, secondly, on the main question."

Which amendment was disagreed to by the House.

Mr. Farquharson then moved to amend said 28th rule so as to provide that the previous question shall only be admitted when demanded by two thirds of the members present.

Which amendment was also disagreed to by the House.

Thereupon the rules of order for the government of the House, as reported by the Select Committee, was concurred in by the House.

Mr. Black then moved that the 7th joint rule of the two Houses be amended by striking out the words, "of Enrolments."

Which amendment was adopted.

Mr. Farquharson then moved to amend the joint rules of the two Houses, by adding that the following amendment be an additional rule:

"12th. All communications, or reports from public officers, and all petitions and memorials, when presented to, and read in, either House, shall be transmitted to the other."

Mr. Goodall moved that said amendment be laid on the table.

The question being taken on agreeing to said motion, it was determined in the affirmative.

Ayes

55

Nays

14

The ayes and nays being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Dugan, Eubank, Fisher, Garner, Goodall, Goode, Hodsden, Humphreys, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Treat, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wenceler, Williams, Wyley, and Mr. Speaker Barringer

Those who voted in the negative are,

Messrs. Cherry, Edwards, Farquharson, Gordon, Houston, Hord, Huddleston, Hughes, Kinney, Lauderdale, Miller, of Marshall, Scott, Turney, and Wann.

So said amendment was ordered to the table.

The question was then taken by the House on the concurrence with the committee's report, which report was concurred in.

Mr. Rodgers moved that Senate's resolution, No 7, to compare the votes for Governor at the last election, be taken up.

Which resolution was taken up and adopted.

Mr. Trout submitted the following resolution:

Resolved, That a select committee be appointed to inquire, and report to this House at an early day, whether it would be an improper interference with the executive and prescriptive claims of Nashville to elect two United States Senators, one from the Eastern and the other from the Western division of the State.

Mr. Cleveland submitted the following resolution:

Resolved, That the Committee on Education and Common Schools be and they are instructed to inquire and report to this House, such an amendment to the law for the regulation of common schools as shall provide a board in each county to superintend the examination and approval of the capacity and qualifications of all persons who shall offer themselves as teachers in said schools, under the laws providing for common schools in this State.

Mr. Nave submitted the following preamble and resolutions:

Whereas, Great dissension has manifested in different parts of this State, with regard to the propriety of the present county court system, in as much as they are attended with great delay, inconvenience, and unnecessary expense, therefore be it

Resolved, That the Judiciary Committee be instructed to take into consideration the propriety of abolishing the present county court system, and giving to the circuit courts equity jurisdiction; be it further

Resolved, That said committee be instructed to take into consideration the propriety of abolishing the present monthly county courts, and establishing quarterly courts instead thereof, and that they report by bill or otherwise.

Mr. Humphreys submitted the following resolution:

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Committee on Banks be and are hereby instructed to inquire into the propriety of providing by laws for the appointment of three commissioners in the vicinity of each Branch of the Bank of Tennessee, to inquire into the state and condition of said Branch, with power to send for persons and papers in their investigation so that this General Assembly may be furnished with the necessary information for Legislative action.

Mr. Williams submitted the following resolution:

Resolved, That the Committee on Education and Common Schools be instructed to inquire into the expediency of abolishing the office of Superintendent of Public Instruction, and that they report by bill or otherwise.

Mr. Bledsoe submitted the following resolution:

Resolved by the General Assembly of the State of Tennessee, That

the Senate meet the House of Representatives in their hall, on Monday, the sixteenth instant, for the purpose of electing a Register for the Land Office for the Western District.

Which resolutions were severally read and laid on the table.

Mr. Wyley introduced,

A bill, No. 7, to prescribe the time, place, and manner of choosing Senators to the Congress of the United States.

Which bill was read a first time and passed.

Ordered, That said bill be referred to the Committee on Federal relations.

Mr. Coggin introduced,

A bill, No. 8, for the benefit of persons whose lands may be sold at execution sale.

Which bill was read a first time and passed.

Mr. Miller of Hardeman, introduced,

A bill, No. 9, to prevent illegal voting.

Which bill was read a first time and passed.

Ordered, That said bill be referred to the Committee on Elections.

On motion of Mr. Brooks,

The House took up a bill, No. 3, allowing former Sheriffs further time to collect arrearages of taxes.

Which bill was read a second time and passed.

Ordered, That said bill be referred to the Committee on the Judiciary.

Mr. Milligan submitted the following resolution:

Resolved, That the Judiciary Committee be instructed to take into consideration the propriety of so altering, or amending the court system of this State, as to have but two terms of the circuit court in each and every year, and to inquire into the possibility of reducing the number of judicial circuits, and that they report by bill or otherwise.

Which resolution was read, and the rule requiring resolutions to lie on the table being suspended, said resolution was adopted.

Mr. Huddleston moved to take up resolution No. 23, directory to the Committee on Finance in relation to reducing the salaries of public officers 25 per cent, which was agreed to by the House.

And said resolution was taken up.

Mr. Lenoir offered the following amendment in lieu of said resolution:

Resolved, That the Committee of Ways and Means be instructed to take into consideration the salaries and fees of all the officers of the Government, and the pay of the members of the Legislature and its officers, and report by bill or otherwise as soon as practicable, the propriety of the reduction thereof.

Which amendment was rejected.

Mr. Brooks moved to amend said resolution by striking out the preamble.

Which amendment was agreed to by the House.

Thereupon said resolution as amended was read and laid on the table, and thereupon,

On motion of Mr. Glenn,
The House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cooke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution proposing a joint select Committee to consist of three members of the Senate and four members of the House, to contract for the printing of the Acts and Journals of the General Assembly, and the reports of the Supreme Court, and they have appointed Messrs. Sneed, Nelson, and Gardner, to be of said committee on the part of the Senate.

In which resolution the Senate ask the concurrence of the House of Representatives.

The Senate have taken up and considered the amendment of the House to the seventh joint rule, striking out the words "of enrolments."

In which amendment the Senate concur.

Mr. Walker of Williamson submitted the following resolution:

Resolved, That a message be sent to the Senate proposing the appointment of a joint select committee to open and examine the bids transmitted to the Secretary of State, to print the acts and journals of this General Assembly and the reports of the decisions of the Supreme Court, and to report to the two Houses the several bids made, distinguishing particularly the lowest bid.

Mr. Anderson submitted the following resolution:

Resolved, That a joint select committee of the two Houses, composed of three members of the House of Representatives and two members of the Senate, be appointed to fix the price of the public printing for the next two years, and that on the 12th inst. the two Houses will meet together and elect a public printer for this Legislature.

Which resolution was read and laid on the table.

Mr. Humphreys submitted the following resolution:

Whereas it is believed that the present system of Penitentiary labor in this State affects injuriously the interests of that large and respectable portion of our citizens engaged in mechanical pursuits; and whereas it is believed that the labor of our prison convicts might as profitably to the State be directed in some other channel, whereby no one great interest would suffer detriment:

Be it therefore resolved, That the Committee of the Penitentiary be instructed to inquire into the expediency of abolishing the present system of convict labor, or of so amending the same as that the Mechanical interests of the State shall not be injuriously affected by its operations; and that said committee be instructed to report to this House on this subject at their earliest convenience.

Which was read and laid on the table.

Mr. Rogers introduced -

A bill, No. 10, to extend to executors and administrators, additional time to close their trusts.

Which bill was read a first time and passed.

On motion of Mr. Black, ..

Ordered, That one hundred and fifty copies of the rules adopted by the government of the House, and the joint rules of intercourse between the two Houses of this General Assembly, be printed for the use of the House.

Mr. Roach introduced.

A bill, No. 11, to repeal all laws establishing separate Chancery courts, and for other purposes.

Mr. Gordon introduced

A bill, No. 12, to repeal the 4th section of an act, to authorise the building of dams across Duck river, of certain dimensions, passed Feb. 10, 1842, chapter 139.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

On motion of Mr. Lauderdale,

The House took up the resolution No. 27, submitted by him on the 1st inst., directory to the Committee on Federal Relations, in relation to the passage of a law for the election of Senators to the Congress of the United States.

Which was read and adopted.

Mr. Bone submitted the following resolution:

Resolved, That the Senate meet the House of Representatives in their Hall on Saturday, the seventeenth inst., to elect a Solicitor in the 9th Judicial Circuit.

Which was read and laid on the table.

Mr. Goodall submitted the following resolution:

Resolved by the Senate and House of Representatives of the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the Hall of the latter on the 13th Oct., 1843, at 1 o'clock, A. M., of that day, and by convention of the two Houses, Senate meeting the House in their Hall, to elect two Senators from the State to the Congress of the United States.

Which resolution was read.

Mr. Goodall moved a suspension of the rule requiring resolutions to be read on the table.

And the question being taken on agreeing to said motion, it was decided in the negative.

Yeas

39

Nays

33

The yeas and nays being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Mr. Avery, Bledsoe, Bond, Bone, Brooks, Carr, Carr, Cheat, Church, Grogan, Cross of Madison, Clapp, Deasing, Doggan, Dr. H., Goodall, Good, Hemphill, Hodges, Humphreys, L.

noir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Scott, Smart, Turner, Turney, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

Two thirds of the members present not voting in the affirmative, the motion to suspend the rule failed.

And said resolution was ordered to the table.

Mr. Coggin moved that the House take up the resolution submitted by him on the 6th inst., proposing that the two Houses go into the election of two Senators from this State to the Congress of the United States.

Which motion was agreed to by the House.

Mr. Nave moved that said resolution be amended by inserting after the figure "1813" in the fourth line, the words, "at the hour of 10 o'clock, A. M."

Which amendment was adopted.

Mr. Miller of Hardeman moved to amend the resolution by striking out the "17th" and inserting in lieu thereof the "10th."

Which amendment was rejected.

Mr. Farquharson moved to amend the resolution by striking out the words "that the Senate meet the House of Representatives in their Hall," and insert in lieu thereof, the words "that the General Assembly of the State of Tennessee will proceed by the separate action of the two Houses."

Mr. Coggin moved that said amendment be laid on the table.

And the question being taken on agreeing to said motion to lay on the table,

It was determined in the affirmative.

Yeas	43
Nays	37

The yeas and nays being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Cason, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Humphreys, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale,

McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Walker of Hickman, Wann, and Wyley.

So said amendment was ordered to the table.

Mr. Polk moved that the resolution be referred to the Committee on Federal Relations, with instructions to report a bill regulating the mode of electing Senators from this State to the Congress of the United States.

Mr. Goodall moved that said amendment be laid on the table.

And the question being taken on agreeing to said motion to lie on the table, it was determined in the affirmative,

Yeas	39
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Nays	34
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The ayes and nays being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said amendment was ordered to the table.

The resolution as amended was then read.

And the question being taken on the adoption of said resolution it was determined in the affirmative.

Yeas	54
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Nays	19
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The ayes and noes being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Eubank, Garner, Goodall, Hamilton, Hodsden, Hord, Humphreys, Kinney, Lenoir, Maury, McGinnis, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Cross of Sullivan, Deavenport, Eubank, Farquharson, Fisher, Glenn, Gordon, Houston, Huddleston, Hughes, Lauderdale, Miller of Hardeman, Milligan, Polk, Scott, Walker of Hickman, Wann, and Wyley.

So said resolution was adopted, and was ordered to be engrossed and transmitted to the Senate.

The House then adjourned until to morrow morning, 9 o'clock.

TUESDAY, OCTOBER 10th, 1843.

The House met pursuant to adjournment.

Mr. Cleveland presented a communication from Albert M. Lea, a citizen of Grainger county.

Ordered that said communication be referred to the Committee on Education and Common Schools.

Mr. Maury presented the petition, No. 15, from sundry citizens of the county of Williamson, praying to be attached to the county of Rutherford.

Ordered that said petition be referred to the Committee on New Counties and County Lines.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred the petition of sundry citizens of the county of Hardin, praying that the annual appropriation of eighteen thousand dollars by the Bank of Tennessee to the different academies in this State be withdrawn from said academies, and be distributed among the different counties for the benefit of common schools, made an unfavorable report on said petition.

Which report was concurred in by the House.

Mr. Trimble introduced

A bill, No. 13, to alter the mode of selecting jurors.

Ordered that said bill be referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Croke, their clerk:

MR. SPEAKER: The Senate have received and read a memorial from sundry citizens of Rutherford county, praying an amendment to the constitution of the State of Tennessee, fixing the regular meeting of the General Assembly to once in every six years, limiting the length of the Session to sixty days, and the *per diem* pay of the members and officers of the General Assembly, to two dollars and fifty cents, which petition has been ordered to be transmitted to the House of Representatives.

The Senate have adopted a resolution proposing that the two Houses meet in the Representative hall on Wednesday, the 11th inst, for the purpose of comparing the vote cast for Governor of the State, in the election of 1843, and also proposing to rescind the joint resolution adopted by both Houses fixing the 10th inst. for that purpose.

On motion of Mr. Proctor,

Said resolution from the Senate was read and concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers introduced the following resolution:

Resolved, by the General Assembly of the State of Tennessee, That the Bank of Tennessee be a National Bank, and one of the branches thereof

forthwith make out a fair statement of the state and condition of said Bank and Branches thereof respectively, on the 1st day of October, 1843, subject to the further order of the General Assembly, showing

1st. The names of the persons indebted to said Bank or the Branches thereof, with the amount of such person's indebtedness.

2nd. What debts are esteemed, by the Bank or Branches, good, what doubtful; and what bad or lost.

3d. What amount is in suit good, what in judgment good, what doubtful, and what lost.

4th. What amount has been compromised and liquidated by the reception by the Bank or Branches, of real estate.

5th. The estimated value of such real estate so received.

Which resolution was read and laid on the table.

The House then adjourned.

WEDNESDAY, OCTOBER 11, 1843.

The House met pursuant to adjournment.

Mr. George W. L. Marr, representatives elect from the counties of Dyer and Obion, appeared and produced his credentials, and the oaths required by the Constitution having been administered to him by the Hon. Edmund Dillahunty, one of the judges of the State of Tennessee, he took his seat as a member of this House.

On motion of Mr. Walker of Williamson,

The House took up the resolution submitted by him on the 9th inst. proposing the appointment of a joint select committee to examine the bids for the public printing.

Mr. Anderson offered the following amendment in lieu of said resolution:

Resolved, That a joint committee of the two Houses, composed of three members of the House of Representatives, and two members of the Senate, be appointed to fix the price of public printing for the next two years, and that on the 12th inst., the two Houses will meet together and elect a public printer for this Legislature.

Mr. Farquharson moved that said resolution and amendments be laid on the table.

Which motion was disagreed to by the House.

The question was taken by the House on the amendment offered by Mr. Anderson.

Which amendment was rejected.

Mr. Farquharson then moved that said resolution be amended by adding thereto the following amendment:

"And that the committee shall have power to receive other bids, and shall consider and report the lowest, together with all the bids proposed."

Which amendment was rejected.

The question was then taken on the adoption of the resolution of-

ferred by Mr. Walker of Williamson, and thereupon said resolution was adopted by the House.

On motion of Mr. Goodall,

It was ordered that said committee on the part of the House, consist of six members, and

Thereupon the Speaker announced the appointment of Messrs. Walker of Williamson, Brooks, Bone, Farquharson, Gordon, and Anderson, to be of said committee on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

The two Houses of the General Assembly then met in Convention in the Representative Hall, in obedience to a joint resolution adopted by both Houses, for the purpose of comparing the votes cast in the different counties of this State at the late general election for Governor of the State of Tennessee, and the Speaker of the Senate in the presence of both Houses, in Convention assembled, proceeded to open the official returns of the Sheriffs of the different counties; which were read at the clerk's table, from which it appeared that the vote cast for Governor in said election in the different counties was as follows:

Counties.	For James C. Jones.	For James K. Polk.
Mauzy	1421	1800
Hickman	277	913
Montgomery	4242	911
Coles	1307	1226
DeKalb	518	464
Gibson	1159	516
Stewart	470	662
Franklin	417	1039
Lincoln	689	2314
White	232	456
Overton	291	1048
Jackson	1117	717
Wayne	676	343
Meigs	124	576
Hamilton	628	621
Van Buren	149	179
McNairy	781	643
Henry	783	1167
Perry	726	456
Henderson	1105	423
Madison	1185	656
Carroll	1274	467
Weakley	593	600
Lauderdale	281	215
Smith	2101	713
Dickson	340	612
Dumphreys	238	489
Warren	642	464
Festress	111	410
B-dford	1310	1179
Hawkins	1130	1226

Carter	714	153
Sevier	820	61
Monroe	860	1033
Jefferson	1610	256
Grainger	1018	572
Knox	1911	454
Johnson	348	86
Hardeman	618	915
McMinn	879	1025
Dyer	360	238
Greene	978	1524
Polk	225	419
Claiborne	598	815
Shelby	1352	1026
Rutherford	1586	1367
Sullivan	353	1257
Wilson	2427	1073
Williamson	1936	861
Roane	888	671
Haywood	695	640
Obion	313	477
Cocke	820	160
Washington	840	1088
Tipton	857	469
Fayette	1072	1060
Anderson	594	238
Campbell	383	379
Marshall	697	1337
Marion	470	355
Robertson	1199	764
Davidson	2064	1181
Hardin	582	665
Rhea	213	559
Benton	300	410
Lawrence	474	469
Cannon	354	690
Coffee	339	935
Blount	1054	750
Morgan	1183	162
Bledsoe	528	236
	57,008	51,819

It appearing to the satisfaction of the convention that the official returns of the vote for Governor in this State, at the late election, were incomplete, there being no returns from the counties of Sumner and Bradley,

Mr. Sneed, Senator from Rutherford, thereupon moved that the convention adjourn until Friday morning, 10 o'clock, A. M., for the purpose of giving further time to complete the official returns.

Which motion was agreed to by the Convention.

Whereupon Mr. Speaker and members of the Senate withdrew from the Representative Hall.

On motion of Mr. Brooks the House then adjourned until 3 o'clock, this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Turner submitted the following resolution, No. 37:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of so amending the existing laws relating to trust deeds that all such instruments to secure the payment of debts shall be finally closed within twelve months from the date of registration; and in cases of insolvency a pro rata distribution shall be made among the creditors; and that they report by bill or otherwise.

Mr. Bledsoe submitted the following preamble and resolution, No. 40:

Whereas, the expense incurred by the public in the transportation of persons charged with crime, who are ordered from one county because it has no prison, to the jail of another for safe keeping for trial, is unequal and unjust, bearing alike upon the counties which have been at the expense of erecting public buildings and upon those that will not do so; Therefore,

Resolved, That the Judiciary Committee be instructed to inquire how the inequality of expenditure for transportation of accused persons may be corrected, whether by further enactments to secure the erection of public buildings, or directing the cost of transportation in such case to be paid by the county failing to erect public buildings, or in such manner as to them may appear proper and right, and that they report by bill or otherwise.

Which resolutions were severally read and laid on the table.

On motion of Mr. Rodgers,

The House took up resolution, No. 38, requiring certain duties of the Bank of Tennessee and Branches, submitted by him on yesterday.

Which resolution was read and adopted.

Ordered that the Clerk acquaint the Senate therewith.

On motion of Mr. Brooks,

The House took up resolution, No. 31, directory to the Committee on Banks, in relation to the appointment of Commissioners to examine the Bank of Tennessee and its branches.

Which resolution was read and adopted.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution that a committee of three, on the part of the Senate, and six on the part of the House, be appointed to wait upon his Excellency, James C. Jones, Governor elect, and inform him that it is the pleasure of this General Assembly to inaugurate him on Friday, the 19th inst.

And have appointed to be of said Committee on the part of the Senate, Messrs. Martin, Harris, and Torbett.

In which resolution the Senate asks the concurrence of the House of Representatives.

On motion of Mr. Brooks,

The House took up resolution, No. 35, directory to the Committee on the Penitentiary, submitted by Mr. Humphreys on the 9th inst.

Which resolution was read and adopted.

On motion of Mr. Rodgers,

The House took up a bill, No. 10, to extend to executors and administrators additional time to close their trusts.

Which was read a second time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

On motion of Mr. Nave,

The House took up resolution, No. 30, directory to the Committee on the Judiciary, in relation to the Chancery Court system and monthly County Courts, submitted by him on the 9th inst.

Which resolution was read and adopted.

On motion of Mr. Williams,

The House took up a resolution No. 32 directory to the Committee on Education and Common Schools, as to abolishing the office of Superintendent of Public Instruction.

Which resolution was read and adopted.

On motion of Mr. Cleveland,

The House took up a resolution, No. 29, directory to the Committee on Education and Common Schools.

Which resolution was read and adopted.

Mr. Rodgers introduced,

A bill, No. 14, to define and make certain the laws now in force on the subject of elections.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Elections.

Mr. Boddie introduced,

A bill, No. 15, to repeal the act of 1842, chap. 2, authorising the Banks to issue notes of the denomination of one dollar and upwards.

Which bill was read a first time and passed.

Ordered that the said bill be referred to the Committee on Banks.

Mr. Cross of Sullivan introduced,

A bill, No. 16, to authorise the Sheriff of Sullivan county to appoint an additional deputy.

Which bill was read a first time and passed.

The House then adjourned.

THURSDAY, OCTOBER 12th, 1843.

The House met pursuant to adjournment.

Message from the Senate by Mr. Cooke, their Clerk, No. 12:

MR. SPEAKER: The Senate have taken up and considered a resolution of the House of Representatives, proposing that the two Houses of the General Assembly meet in the Representative Hall, on Tuesday, the 17th inst, at 10 o'clock, A. M., for the purpose of electing two Senators to the Congress of the United States. In which resolution of the House the Senate have concurred, with an amendment thereto, which is herewith transmitted. In which amendment the Senate asks the concurrence of the House.

The Senate have adopted a resolution, No 26, directory to the joint Committee on the Penitentiary.

In which resolution they ask the concurrence of the House.

Mr. Speaker Barringer submitted the following resolution, No. 41, M. Boddie being in the Chair:

Resolved, That the Clerk and Doorkeeper of this House be authorized, under the direction of the Speaker, to procure such furniture and fixtures, and to contract for such service as may be necessary to the greater convenience and the better service of the Hall.

Mr. Farquharson moved the suspension of the rule requiring resolutions to lay one day on the table.

Which motion prevailed.

And the question being taken by the House on the adoption of said resolution, it was determined in the affirmative.

Yeas,

64

Nays,

5

The yeas and nays being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative were,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, Wiley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cherry, Nave, Trott, Turner, and Wheeler.

So said resolution was adopted.

Mr. Williams moved that the House take up and consider the amendment of the Senate to the resolution of the House, No. 24, in relation to the election of Senators from this State to the Congress of the United States.

Which motion prevailing,

The amendment proposed by the Senate was then read at the clerk's table as follows:

Insert at the end of said resolution the following words, to wit: "and that the Senator for the longest term be first elected."

Mr. Williams then moved a nonconcurrence in said amendment of the Senate.

Which motion was disagreed to by the House.

And thereupon the House concurred in said amendment of the Senate.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Bledsoe,

The House took up a resolution, No. 33, in relation to the election of Register for the Western District, submitted by him on the 19th inst.

Mr. Trice moved to amend said resolution by striking out "Monday, the 6th," and inserting in lieu thereof "Friday, the 20th."

Which amendment was agreed to by the House.

And thereupon said resolution as amended was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Carson submitted the following resolution, No. 42:

Resolved, That the Committee on the Judiciary be instructed to inquire into the policy and expediency of altering the laws of this State so as to give the trial of misdemeanors to justices of the peace, and that they report by bill or otherwise.

Which resolution was read and laid on the table.

Mr. Huddleston submitted the following preamble and resolution, No. 43:

Whereas, Thomas Gainesville, a Lunatic of Overton county, was sent to the Lunatic Asylum as a pauper from the 9th Senatorial district, and was not received but was sent back at the expense of said county of Overton, and is, on account of his turbulence, necessarily confined in the public jail of said county; Therefore,

Resolved, That the committee on said Lunatic Asylum be instructed to inquire into and report to this House the reason why the said Thomas Gainesville was not received.

Which resolution was read and adopted.

On motion of Mr. Gordon,

The House took up the resolution from the Senate, No. 26, directory to the joint committee on the Penitentiary.

Which resolution was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the joint Committee on the Penitentiary be instructed to call before them separately in said institution such number of convicts as they may deem necessary, who have not been convicted of infamous offences, for the purpose of ascertaining whether any change is necessary in the policy of said institution promotive of the health or comfort of the convicts therein, and that they have leave to report thereon.

Said resolution was thereupon concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Moores introduced,

A bill, No. 17, to incorporate the inhabitants of the town of Rome, in the county of Smith.

Which bill was read a first time and passed.

Mr. Bond moved a reconsideration of the vote of the House taken this morning concurring in the amendment of the Senate to the resolution of the House, No. 24, in relation to the election of Senators from this State to the Congress of the United States.

A call of the House was then moved by Mr. Brooks, and being ordered,

The roll of the members was then called over and all the members answered to their names except Messrs. Humphreys, Joudon, McGinnis, and Morrow.

Whereupon it being reported to the House by Messrs. Maury, Wann, and Lenoir, respectively that Messrs. Joudon, McGinnis, and Morrow were detained from the House by severe indisposition.

Said absentees were thereon severally excused by the House.

Mr. Humphreys having appeared and being excused by the House for his nonattendance, further proceedings in the call was thereupon dispensed with.

The question was then taken on reconsidering the vote of the House as moved by Mr. Bond, and was determined in the affirmative,

Yeas	36
Nays	34

The ayes and noes being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Pledsee, Bond, Bone, Brooks, Furrus, Carson, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall Goode, Hamilton, Hodsden, Humphreys, Lenoir, Maury, Moores, Moorman, Morris, Nave, Rawlins, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Boddie, Cherry, Cleveland, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Fairbairson, Fisher, Garne, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kirney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wan, and Wyley.

So said vote of the House on the amendment of the Senate was reconsidered by the House.

On motion of Mr. Goode,

The resolution of the House and amendment of the Senate was ordered to the table.

On motion of Mr. Hodsden.

The House took up a bill, No. 8, for the benefit of persons whose land may be sold at auction sale.

Mr. Brooks offered an amendment to said bill commencing at the close of the first section and to read as follows: "and at three of the most public places in said county."

Which bill as amended was read.

And thereupon Mr. Walker of Williamson then moved that bill, No. 3, and amendment be referred to the Committee on the Judiciary.

Which motion was agreed to by the House.

On motion of Mr. Nave,

The House took up a bill, No. 5, to extend the provisions of the 17th section of an act passed 5th February, 1836, entitled: "an act setting forth the property real and personal, and the privileges and occupations liable to taxation in this State.

Mr. Goodall moved to amend said bill by inserting the word "hats," after the word "shoes," in the tenth line.

Which amendment was adopted.

On motion of Mr. Moores,

Ordered that said bill be referred to the Committee of Ways and Means.

The House took up a bill, No. 16, to authorize the Sheriff of Sullivan county to appoint an additional deputy sheriff.

Which bill was read a second time and passed:

Mr. Miller of Hardeman introduced,

A bill, No. 18, to amend and make uniform the attachment laws of this State.

Which was read a first time and passed.

Mr. Hamilton introduced,

A bill, No. 19, to change the laws on the subject of double taxes.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Coggin introduced,

A bill, No. 20, to authorize the clerk of the Supreme Court to furnish the clerks of the new counties in this State with the reports of the Supreme Court.

Mr. Nave introduced,

A bill, No. 21, to repeal a part of the 12th section of the act of 1799, chap. 10, establishing ordinances and tippling houses.

Mr. Duggan introduced,

A bill, No. 22, to repeal a part of the 5th section of an act passed Feb. 5th, 1836, to provide for the listing of taxable property.

Mr. Coggin introduced,

A bill, No. 23, to establish the 23d brigade of Tennessee militia.

Which bills were severally read a first time and passed.

On motion of Mr. Carson,

Ordered that Mr. Duggan be added to the Committee on the Judiciary.

Mr. Wheeler submitted the following resolution, No. 45:

Resolved, That it be referred to the Committee on the Penitentiary, to take under consideration the propriety and expediency of employing the inmates of the State prison and Penitentiary of this State in cutting stone and preparing other materials for the construction of the capitol of the State, and that said Committee report by bill or otherwise.

Which was read and laid on the table.

On motion of Mr. Houston,

Ordered, That Mr. Farquharson be added to the Committee on Education and Common Schools.

On motion of Mr. Humphreys,

Ordered, That Mr. Duggan be added to the ~~Committee on~~ Military Affairs.

Mr. Cleaveland submitted the following resolution, No. 46:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to this House upon the constitutionality and expediency of conferring jurisdiction of assaults, batteries, and other misdemeanors now punishable by presentment and indictment upon justices of the peace, to be tried and determined without the process of indictment, or presentment, subject to appeal by the defendant.

Mr. Crouch submitted the following resolution, No. 47:

Resolved, That the Committee of Ways and Means be instructed to examine and inquire into the propriety of abolishing the office of State Geologist, and that they report by bill or otherwise.

Which resolutions were severally read and laid on the table.

A message from the Senate, by Mr. Corke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a bill from the House of Representatives, No. 2, giving further time for making surveys, and obtaining grants in this State.

Which bill the Senate have read a third time with an amendment thereto herewith transmitted, in which amendment the Senate asks the concurrence of the House of Representatives.

The Senate have also taken up and considered a resolution from the House, No. 34, proposing to appoint a Joint Select Committee to examine proposals for public printing, in which resolution the Senate non-concur. I am directed most respectfully to announce to the House that the reason for the non-concurrence of the Senate therein, is that the House in adopting said resolution acted in contravention to a standing rule regulating the intercourse between the two Houses, by which precedence should have been given to a resolution adopted by the Senate on the same subject and transmitted to the House of Representatives.

On motion of Mr. Walker of Williamson,

The House took up a resolution from the Senate, No. 5, appointing a committee to contract for printing the laws and journals, and the reports of the supreme court.

Mr. Walker of Williamson then moved that the House non-concur in said Senate's resolution.

Which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Rodgers,

The House took up the amendment proposed by the Senate to House bill, No. 2, constituting an additional section to said bill.

Which motion prevailing, said amendment was read at the clerk's table, and is as follows:

Sec. 2. *Be it enacted*, That in all cases when a plot and certificate shall be lost or mislaid, it shall and may be lawful to obtain a copy of the same from the proper surveyor's office, and upon an affidavit bring

made on the same, that the original is lost or mislaid or has not been returned to the proper officer, the register shall issue a grant thereon as in other cases.

Which amendment was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Biedsoe,

The House took up resolution No. 40, submitted by him on the 11th inst., directory to the Committee on the Judiciary, in relation to the costs of the transportation of prisoners from one county to another for safe keeping.

Which resolution was read and adopted.

The House then adjourned until to-morrow morning 9 o'clock.

FRIDAY, OCTOBER 13th, 1843.

The House met pursuant to adjournment.

Mr. Duggan presented a petition, No. 15, from Ruel Birdwell, praying the General Assembly of the State to pass an act granting him pay for medical attendance on one Eliza Russel, a prisoner confined in the jail of the county of Sevier.

Mr. Coggin presented a petition, No. 16, from John B. Rodgers, praying the General Assembly of this State for Legislative relief.

Which petitions were severally read and referred to the Committee on Claims.

Mr. Maury, from the Committee on Enrolled Bills, reported that said committee had examined an enrolled bill, entitled "an act giving further time for making surveys and obtaining grants in this State."

And found the same to be truly enrolled.

The Speaker of the House thereupon signed said enrolled bill.

Ordered, That the same be transmitted to the Senate for the signature of the Speaker thereof.

The two Houses of the General Assembly again assembled in convention in the Representative hall pursuant to their adjournment, on the 11th inst., and resumed the examination of the official returns of the votes cast for Governor in the different counties of this State at the late general election.

The Speaker of the Senate thereupon laid before the convention the official return from the county of Bradley, from which it appears that Jas. K. Polk had received eight hundred and seventy three votes, and Jas. C. Jones four hundred and eighty three votes.

No official return having been received from the county of Sumner it appeared that the following is the official aggregate vote in said election:

For James C. Jones, fifty seven thousand four hundred and ninety one votes.

For James K. Polk, fifty two thousand six hundred and ninety two votes.

Showing a majority for James C. Jones of four thousand seven

hundred and ninety nine votes, as appears from the official returns as received and examined by the convention.

Thereupon Mr. Boddie, Representative from Sumner, submitted the following resolution:

Resolved, That the unofficial vote of Sumner county for Governor be received by the convention and be added to the official returns, which have been already received and entered on the journal.

Which resolution was agreed to by the convention.

Thereupon Mr. Boddie reported the vote of Sumner county for Governor to be as follows:

For James C. Jones, eight hundred and sixteen votes.

For James K. Polk, one thousand seven hundred and eighty two votes.

Which being added to the official aggregate vote as before stated, shows the following result:

For Jones, fifty eight thousand three hundred and seven votes.

For Polk, fifty four thousand four hundred and seventy four votes.

Showing a majority of votes for Jas. C. Jones of three thousand eight hundred and thirty three votes.

The Speaker of the Senate thereupon declared James C. Jones to be duly and constitutionally elected Governor, in and over the State of Tennessee, for the ensuing two years.

The business which brought the two Houses together having been disposed of, Mr. Speaker and members of the Senate withdrew from the Representative hall, and the House resumed its session.

The Speaker laid before the House a report from the Comptroller of the Treasury, showing the amount due from delinquent officers.

Mr. Miller of Herodman moved that the report be laid on the table, and that 1500 copies of the same be printed for the use of the House.

Which motion was agreed to by the House.

Mr. Farquharson submitted resolution, No. 48:

Resolved, That the Senate meet the House of Representatives in convention on Friday, 31st inst., for the purpose of electing an Attorney General for the 13th judicial circuit in this State to fill the vacancy occasioned by the expiration of the term of Andrew F. Goff.

Which resolution was read and laid on the table.

Mr. Farquharson submitted the following resolution, No. 49:

Resolved by the General Assembly of the State of Tennessee, That Scott Terry, Esq, superintendent of public instruction, be and he is hereby requested to make report to this General Assembly, how he has discharged the duties of his office, and that said report be made as soon as practicable as now required by law.

Which resolution was read, and the rule requiring resolutions to lay on the table one day being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Goode moved to take up Senate resolution, No 24 proposing a joint select committee to wait on the Governor elect.

Which resolution was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That a joint committee of three on the part of the Senate, and six on the part

of the House of Representatives, be appointed to wait upon his Excellency James C. Jones, Governor elect, and inform him that it is the pleasure of this General Assembly to inaugurate him on Friday, the 13th instant.

Mr. Gordon moved to amend said resolution by striking out after the words "inform him" and insert in lieu thereof the following words: "of his election and that it is the pleasure of the General Assembly to inaugurate him at such time and place as may suit his convenience."

Which amendment was agreed to by the House; and thereupon

On motion of Mr. Goodall,

Said resolution of the Senate as amended was concurred in by the House.

Ordered that the clerk notify the Senate therewith.

The Speaker thereupon announced the appointment of

Messrs. Alexander, Glenn, Goode, Gordon, Lenoir, and Houston, to be of said committee on the part of the House.

Mr. Trimble submitted the following preamble and resolution, No. 50:

Whereas, The subject of revising the general statutes of this State has been suggested for the consideration of this General Assembly in the message of the Governor; *whereas*, the general statutes of this State are found in some four or five different volumes and are wanting in orderly and convenient arrangement; and *whereas* the general statutes of the State should be rendered concise, plain, and intelligible to the whole body of citizens who are to be governed by them, and that an orderly and methodical arrangement of the matter in one entire volume or digest under proper parts, chapters, and sections, is the best mode of communicating a knowledge thereof, and this has been adopted upon mature deliberation in the States of New York, Massachusetts, North Carolina, Mississippi, Arkansas, and other States, and is of great public benefit; therefore,

Resolved, That as much of the message of the Governor as relates to this subject be referred to the Committee on the Judiciary, with instructions to inquire into the condition of the general statutes, the number of distinct volumes or books in which they are to be sought for, the necessity and expediency of revising the same, together with reasons on both sides of the question, and that said committee report by bill, resolution, or otherwise.

Which preamble and resolution was read and laid on the table.

Mr. Gordon submitted the following resolution, No. 51:

Resolved, That the Committee on Common Schools be instructed to inquire into the propriety of the passage of a law to authorize the sale of certain real estate, situated in the town of Williamsport; which said real estate escheated under the laws of Tennessee for the use and benefit of common schools; and that said committee report by bill or otherwise.

Which resolutions were read and laid on the table.

On motion of Mr. Carson,

The House took up resolution, No. 42, directory to the Judiciary

Committee, as to the expediency of giving trial of misdemeanors to justices of the peace.

Which resolution was read and adopted.

Mr. Walker of Williamson, moved a reconsideration of the vote of the House on yesterday non-concurring in Senate's resolution, No. 5, in relation to the public printing.

Which motion was agreed to by the House.

Mr. Walker of Williamson then moved to amend said resolution by striking out all after the word "resolved," and inserting in lieu thereof the following words: "by the General Assembly of the State of Tennessee, that a joint select committee, consisting of three members on the part of the Senate, and six on the part of the House of Representatives, be appointed to examine and open the bids transmitted to the Secretary of State to print the acts and journals of the General Assembly, and the reports of the decisions of the Supreme Court, and to report to the two Houses the amount of the several bids made, distinguishing particularly the lowest bid made according to the law prescribing the form of bids.

Which amendment was adopted.

And thereupon Senate's resolution as amended was concurred in by the House.

And thereupon Messrs. Walker of Williamson, Brooks, Bone, Farquharson, Gordon, and Anderson were appointed to be of said committee on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

The House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion to Mr. Wheeler,

The House took up resolution No. 45, directory to the Committee on the Penitentiary, in relation to the employment of the convicts in cutting stone and preparing other materials for the construction of the Capitol of the State.

Which resolution was read and adopted.

Mr. Trott introduced

A bill No. 24, to restore the rights of freemen, and for other purposes.

Which was read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution adopted by the House of Representatives, that the Senate meet the House in their hall on Friday, the 20th inst., for the purpose of electing a Register of the land office, in the Western District, and have concurred therein.

The Speaker of the Senate has signed an enrolled bill entitled,

An act giving further time for making surveys and obtaining grants in this State.

Which is herewith transmitted to the House.

Ordered that said enrolled bill be deposited in the office of the Secretary of State.

Mr. Bledsoe submitted the following resolution, No. 52:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law of motions in all cases where the State and county revenue concerned and the remedy by motion is already provided by law, as to make it the duty of the court holding jurisdiction, and before which the motion is made to give judgment against the delinquents and his security if any, for the amount of State and county revenue that may appear to be due together with the damages and costs prescribed by law, provided such sum or sums could be recovered against such party or parties in an action of debt or covenant or other common law action, and this whether said bonds or obligations be statutory or not, and that such proceedings be valid against any persons that may be liable, whether other person that may be jointly liable with him as principal or security be joined or not, and that they report by bill or otherwise.

Which was read and laid on the table.

Mr. Alexander submitted a communication from Major General Edmund P. Gaines of the army of the United States, in relation to the location of the National Armory, Naval Depot, and Dock Yard; which was read.

On motion of Mr. Maury,

Ordered that said communication be referred to the select committee on the National Armory and Naval Depot and Dock Yard.

Mr. Moores submitted the following resolution, No. 53:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee, consisting of the Speakers of both Houses of the General Assembly, and three members on the part of the Senate and six on the part of the House of Representatives, be appointed to view and select the most eligible site within the limits of the city of Nashville whereon to erect the capitol of the State, and that they inquire and ascertain on what terms the same can be obtained, and that they report as early as convenient.

Which resolution was read, and the rule requiring resolutions to lay one day on the table being suspended, said resolution was adopted.

Thereupon the Speaker appointed Messrs. Alexander, Miller of Hardeman, Cheatham, Smart, Cleveland, and Lauderdale to be of said committee on the part of the House.

Ordered, That the the Clerk acquaint the Senate therewith.

Mr. Farquharson submitted the following preamble and resolution, No. 54:

Whereas, it has come to the knowledge of this General Assembly that a large amount of court costs is annually charged to the county treasuries by the circuit courts of this State, so as to be oppressive upon the counties and cause taxes to be assessed for the payment thereon; therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of levying a tax on suits to be appropriated to county purposes to the same extent as now required by law for the use of the State, and that they be instructed to report a bill to this effect.

Mr. Trott submitted the following resolution, No. 55:

Resolved That the Committee on the Judiciary be instructed to take into consideration the propriety of increasing the jurisdiction of the justice of the peace, on account and against endorsers on a bill or note to two hundred dollars, and that they report by bill:

Mr. Coggin submitted the following resolution, No. 56.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of condensing the present Chancery Courts, so as to have only one Chancery Court in each of the judicial circuits of this State, and that said committee be also instructed to inquire as to the expediency of having but two Chancellors in this State, and that they report by bill or otherwise.

Which resolutions were severally read and laid on the table.

The House took up

A bill, No. 17, to incorporate the inhabitants of the town of Rome, in the county of Smith.

Mr. Turney moved to amend said bill by adding the following amendment as an additional section.

Sec. 7. *Be it further enacted*, That the corporate limits of the town of Fayetteville, in Lincoln county be, and are hereby extended so as to include one half acre of land on the west of said town at present occupied by Wm. L. Berry, commencing at the south west corner of lot No. 99, as designated in the plan of said town, thence west five poles to a tract of one acre owned by Bruce M. G. Rhea, thence north with said Rhea's east boundary line, sixteen poles, thence east five poles, to the north west corner of lot No. 100 in said town, thence south, with the west boundary line of said lots, No. 99, and No. 100, to the beginning, and that the half acre of land herein included within the corporate limits of said town shall be known and designated in the plan of said town of Fayetteville, as lot No. 133."

Which amendment was adopted.

The bill as amended, was read a second time and passed.

The House took up

A bill, No. 18, to amend and make uniform the attachment laws of this State.

Which bill was read a second time and passed.

On motion of Mr. Black,

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up

A bill No. 20, to authorize the clerks of the Supreme Court to furnish the clerks of new counties in this State, with the reports of the Supreme Court.

Which bill was read a second time and passed.

The House took up

A bill, No. 21, to repeal a part of the 12th section of an act of 1779, chapter 19, establishing ordinances and applying houses.

Which bill was read a second time and passed.

On motion of Mr. Black,

Ordered that said bill be referred to a select committee of five members on tippling and tippling houses.

Which motion was agreed to by the House.

Thereupon the Speaker appointed Messrs. Nave, Farquharson, Black, Brooks, and Bledsoe to be of said committee.

The House took up

A bill, No. 22, to repeal a part of the 5th section of an act, passed the 5th of Feb., 1836, to provide for the listing of taxable property.

Which bill was read a second time and passed.

On motion of Mr. Marr,

Ordered that said bill be referred to a select committee, consisting of five members.

And thereupon Messrs. Dearing, Marr, Turney, Coggin, and Trott, were appointed to be of said committee.

The House took up

A bill, No. 23, to establish the 23rd Brigade of Tennessee Militia.

On motion of Mr. Brooks,

Ordered that said bill be referred to the Committee on Military Affairs with instructions to report a bill attaching the county of DeKalb to the brigade including the counties of Smith and Wilson.

Message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution, that the Senate meet the House in their Hall on Friday the 20th inst., for the purpose of electing a Comptroller and Treasurer of the State of Tennessee, in which resolution the Senate asks the concurrence of the House of Representatives.

They have also taken up and considered the amendment of the House to Senate's resolution, No. 5, in relation to public printing and concur therein, with an amendment thereto, herewith transmitted, in which the concurrence of the House of Representatives is requested.

On motion of Mr. Bledsoe,

The House took up the amendment of the Senate to the amendment of the House to Senate's Resolution, No. 5, in relation to public printing.

Which amendment was read at the clerk's table as follows:

Resolved, That the committee be instructed to require of the person or persons contracting for printing of the laws and journals, to print the reports of the Supreme Court at the seat of Government.

Thereupon said amendment was nonconcurring in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Polk then moved a reconsideration of said vote of the House, nonconcurring with said Senate's amendment.

Mr. Rodgers introduced

A bill, No. 25, to define the punishment of Sheriffs for not returning the result of elections.

Which bill was read a first time and passed.

The House then adjourned.

SATURDAY, OCTOBER 14th, 1843.

The House met pursuant to adjournment.

Mr. Brooks presented a petition, No. 17, of sundry citizens, praying the Legislature to be attached to the county of Putnam.

Mr. Brooks also presented a memorial, No. 18, from the County Court of Putnam county, praying the Legislature to alter the county lines, and to fix permanently the seat of justice in said county.

Which were severally read and ordered to be transmitted to the Senate.

On motion of Mr. Farquharson,

The House took up resolution, No. 48, in relation to the election of an Attorney General for the thirteenth judicial circuit.

Which was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred:

A bill, No. 8, for the benefit of persons whose lands may be sold at execution sale," reported an amendment in lieu of the whole bill, from the enacting clause, and to change the title of the bill so as to read as follows:

A bill to repeal the law requiring sale of real estate, to be advertised in newspapers.

Which report and amendment was concurred in by the House.

Said bill as amended, was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred

A bill, No. 3, allowing former Sheriffs further time to collect arrearages of taxes, reported said bill without amendment, and recommended the rejection of the bill.

Which report was nonconcurrent in by the House.

Mr. Rodgers moved to amend the bill by adding thereto the following proviso:

"*Provided*, That if the person from whom taxes are demanded shall allege payment of the same a loss of receipt, the Sheriff shall make oath that said taxes have not been paid."

Which amendment was adopted.

On motion of Mr. Brooks,

Ordered that he have leave to withdraw said bill for amendment.

Message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the amendment of the House of Representatives to Senate's resolution, No. 24, to appoint a joint select committee to wait on the Governor elect; in which amendment the Senate concur.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred:

A bill, No 19, to change the law on the subject of double taxes, reported said bill without amendment, and recommended the rejection of the bill.

Which report was concurred in by the House.

So said bill was rejected.

Mr. Trimble moved that the House adjourn until Monday morning, 9 o'clock.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas

29

Nays

36

The ayes and noes being called for by Mr. Coggin and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Bond, Brooks, Burrus, Cheatham, Cherry, Eubank, Farguharson, Glenn, Goodall, Goode, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Marr, Maury, Miller of Hardeman, Rawlings, Sherrill, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Bobo, Bone, Carson, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Fisher, Garner, Hamilton, Huddleston, Kinney, Lauderdale, Lenoir, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Polk, Richardson, Roach, Rodgers, Turney, Walker of Hickman, Wan, and Wyley.

On motion of Mr. Deavenport,

Ordered that Messrs. Boddie and Turner have leave of absence until Monday next.

On motion of Mr. Glenn,

The House adjourned until Monday morning, 9 o'clock.

MONDAY, OCTOBER 16th, 1843.

The House met pursuant to adjournment.

Mr. Carson presented a petition, No. 19, from sundry citizens of Jefferson county, to the General Assembly, praying for a repeal of the act abolishing imprisonment for debt.

Which was read and ordered to be transmitted to the Senate.

Mr. Anderson presented a petition, No. 20, from Joseph McCulley, Sheriff of the county of McMinn, praying for Legislative relief.

Ordered that said petition be referred to the Committee on the Judiciary.

Mr. Turner presented a petition, No. 21, from sundry citizens of Sumner county, praying to dispense with Regimental musters in the 55th Regiment of Tennessee Militia.

Which was read and ordered to be transmitted to the Senate.

Mr. Alexander, from the joint select committee, appointed by both Houses, to wait on his Excellency James C. Jones, Governor of the State of Tennessee, and inform him of his re-election as Governor of the State, and to inform him that it was the pleasure of the General Assembly, to inaugurate him at such time and place as would suit his

convenience, reported that said committee had performed the duty assigned them, and had been informed by the Governor elect, that he would meet the two Houses of the General Assembly on Wednesday next, at 11 o'clock, A. M. for the purpose of taking the oaths of office, as prescribed by the Constitution.

Mr. Black introduced

A bill, No. 26, to revive Spring musters, drills, and court martials, in the 1 2th brigade of Tennessee Militia.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Military Affairs.

Mr. Bledsoe introduced

A bill, No. 27, to change the time of holding elections for county officers.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Elections.

Mr. Morrow introduced

A bill, No. 28, to authorize the sale of common school lands in the State of Tennessee, at the wish of the citizens of the township where said lands may be situated.

Which bill was read a first time and passed.

Ordered that said bill be referred to a select committee.

Mr. Humphreys introduced

A bill, No. 29, to allow Sheriffs further time to report removals and insolvencies.

Mr. Rodgers introduced,

A bill, No. 30, to authorise the proprietors of Burk's turnpike road to keep two gates.

Mr. Carson introduced,

A bill, No. 31, to incorporate the inhabitants of the town of Dardridge, in the county of Jefferson.

Mr. Cleaveland introduced,

A bill, No. 32, for the relief of such persons as may have notes under discount at the Bank of Tennessee or any of its branches.

Mr. Turney introduced,

A bill, No. 35, to regulate fees of witnesses in trials before justices of the peace.

Which bills were severally read a first time and passed.

Mr. Rodgers submitted the following resolution, No. 57, directory to the Secretary of State:

Resolved, That the Secretary of State be and he is hereby instructed to contract with the printer of the acts and journals to furnish each of the clerks of the county courts in this State with a copy of the acts of the present General Assembly within thirty days after the close of the session.

Mr. Farquharson submitted the following resolution, No. 58:

Resolved, That a joint select committee be appointed to consist of five on the part of the Senate and six on the part of the House of Representatives, to take into consideration all matters in reference

the sale or disposition of the school lands, and report at as early a day as practicable.

Which resolutions were severally read and laid on the table.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received the petition of sundry citizens of the counties of Carroll, Gibson, Weakly, and Henry, praying that the contracts entered into by the commissioners appointed to contract for clearing out and improving the navigation of the Obion river and branches be annulled, and that other commissioners be appointed that will enter into contracts that will more effectually secure the end desired than the contracts heretofore entered into.

Which petition I am directed to transmit to the House of Representatives.

Mr. Huddleston introduced,

A bill, No. 33, to repeal the 6th section of the common school act passed 2th day of January, 1842.

Mr. Smart introduced,

A bill, No. 34, to divide the civil districts into school districts.

Which bills were severally read a first time and passed.

Ordered that said bill, No. 33, and No. 34, be referred to the Committee on Education and Common Schools.

The House took up,

A bill, No. 24, to restore the rights of freemen, and for other purposes.

On motion of Mr. Walker of Williamson,

Ordered that said bill be referred to the Select Committee on Tippling and Tippling Houses.

The House took up,

A bill, No. 25, to define the punishment of Sheriffs for not returning the result of elections.

Which bills were read a second time and passed.

Mr. Farquharson introduced,

A bill, No. 36, to regulate the stay on executions upon judgments of justices of the peace.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Brooks, who had withdrawn for amendment,

A bill, No. 3, allowing former Sheriffs further time to collect arrearages of taxes, returned the same with an amendment thereto constituting an additional section to the bill to wit:

"Sec. 2. *Be it enacted*, That if any sheriff shall fail or refuse to collect in the term now prescribed by law, any lien that he may have on the property of persons owing said taxes shall be removed."

Ordered that said bill and amendments be referred to the Committee on the Judiciary.

On motion of Mr. Walker of Williamson,

The House took up the motion of Mr. Polk offered on the 13th inst. to reconsider the vote of the House nonconcurring in the amendment of

the Senate to the amendment of the House to Senate's resolution, No. 5, in relation to public printing.

Thereupon Mr. Polk, with leave of the House, withdrew said motion to reconsider.

Ordered that the clerk notify the Senate of the nonconcurrence of the House to said amendment of the Senate.

On motion of Mr. Gordon,

The House took up a resolution, No. 51, submitted by himself on the 13th inst., directory to the Committee on Education and Common Schools in relation to the sale of certain real estate in the town of Williamsport.

Which resolution was adopted.

Mr. Black submitted the following resolution, No. 59:

Resolved, That the thirtieth rule of House be amended by adding thereto the following amendment:

"But whenever any bill, resolution, or other document is ordered or required by the House to be transmitted to the Senate, it shall be the duty of the clerk of the House to transmit the same with as little delay as practicable, unless a motion shall be made to reconsider the vote of the House, or unless the clerk shall be notified in writing by some member of an intention to reconsider the vote; in either of which cases, it shall be the duty of the clerk to delay the transmission of such bill, resolution, or other document until the further action of the House, or until the notification to the clerk as aforesaid shall be withdrawn."

Which resolution was read and laid on the table.

On motion of Mr. Miller of Hardeman,

Ordered that the Silk Society of Nashville have leave to hold their meeting this evening at 7 o'clock, in the Representative Hall.

Mr. Houston introduced,

A bill, No. 37, to incorporate the town of Tazewell, in the county of Claiborne.

Which bill was read a first time and passed.

A message from the Senate, No. 18, by Mr. Coeke, their clerk:

MR. SPEAKER: The Senate have had under consideration and passed upon its third and last reading a bill, No. 8, to abolish the office of superintendent of public instruction; which is herewith transmitted, in which the concurrence of the House of Representatives is requested.

Mr. Miller of Marshall introduced,

A bill, No. 38, to repeal the act of 1842, chapter 3, entitled an act to abolish imprisonment for debt, and for other purposes.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Humphreys introduced,

A bill, No. 39, to amend an act passed the 24th Jan, 1838, entitled an act to establish a system of common schools in the State of Tennessee.

Which bill was read a first time and passed.

On motion of Mr. Edwards,

The House took up the petition of sundry citizens of the county of Carroll, Gibson, Weakley, and Henry, in relation the navigation of the Obion river and branches.

Which petition was read and referred to the Committee on the Judiciary, with instructions in the following resolution, No. 60, submitted by Mr. Scott:

Resolved, by the House of Representatives of the General Assembly of Tennessee, That the Committee on the Judiciary be and is hereby instructed to inquire and report whether or not it is within the Constitutional power of the General Assembly to rescind and annul contracts heretofore entered into by the commissioners to superintend the improvement of the navigation of the Obion river, in the Western District, and individuals who have undertaken to execute the work on said rivers according to the terms of such contracts, and whether or not to attempt to annul said contracts would not be to interfere with vested rights; and that said committee report the result of their investigations to this House.

Which was read and adopted.

On motion of Mr. Black,

The House took up Senate's bill, No. 8, to abolish the office of superintendent of public instruction.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

On motion of Mr. Scott,

The House took up resolution, No. 55, directory to the Committee on the Judiciary in relation to increasing the jurisdiction of justices of the peace on accounts and against endorers.

Which resolution was read and adopted.

Mr. Rodgers introduced,

A bill, No. 40, to vest in the circuit courts of this State certain power

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

A message from the Senate, No. 19, by their Clerk, Mr. Cocke:

MR. SPEAKER: The Senate have had under consideration their resolution, No. 5, to appoint a committee to contract for printing the laws and journals, and have receded from the amendment to the House's amendment to said resolution, and have concurred in the amendment made by the House thereto.

The Speaker announced to the House the appointment of Messrs. Morrow, Turney, Hughes, Lenoir, Garner, Black, and Miller of Marshall, to be of the select committee on the sale of school lands, to which was referred bill No. 28; on this day.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, OCTOBER 17th, 1843.

The House met pursuant to adjournment.

Mr. Scott presented a petition, No. 22, from sundry citizens of the county of Weakley, praying for legislative relief for William Laws and Benjamin P. Wheeler.

Which petition was read and ordered to be referred to the Committee on Internal Improvements.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a petition, No. 5, of Benjamin Rains and John Carmichael, reported that said committee had had said petition under consideration and had instructed him to report,

A bill, No. 42, for the benefit of John H. Carmichael and Benjamin Rains, and to recommend the passage of said bill.

Said bill was then read a first time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred resolution No. 40, directory to the committee, reported that said committee had had the same under consideration, and had instructed him to report,

A bill, No. 41, to reduce the expenses of the State.

Said bill was read a first time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 18, to amend and make uniform the attachment laws of this State, reported that said committee had had the same under consideration, and had instructed him to report the bill without amendment, and recommend its passage.

Which bill was read a second time and passed.

Ordered that one hundred copies of said bill be printed for the use of this House.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred,

A bill, No. 12, to repeal the 4th section of "an act to authorise the building of dams across Duck river, of certain dimensions, passed February 5th, 1842, chap. 137," reported that the committee had had the same under consideration, and had instructed him to report the bill without amendment, and recommend its passage.

Which bill was read a second time and passed.

Mr. Walker of Williamson, moved that the House take up the amendment of the Senate to the resolution of the House, No. 24, proposing that the two Houses of the General Assembly meet in the Representative hall on Tuesday, the 17th inst., at 10 o'clock, A. M., for the purpose of electing two Senators to represent this State in the Congress of the United States.

Mr. Maury moved that there be a call of the House.

Which motion prevailed; and on calling the roll of the House, all the members answered to their names except Mr. McGinnis. It being suggested to the House by Mr. Polk, that Mr. McGinnis was detained from the House by severe indisposition, Mr. McGinnis was thereupon

excused for his non-attendance, and further proceedings in the call of the House was dispensed with.

The question was then taken on the motion of Mr. Walker of Williamson, to take up said amendment of the Senate, and was determined in the negative.

Yeas,	37
Nays,	37

The ayes and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Price, Trott, Turner, Turney, Walker of Hickman, Wann, Williams, and Wyley.

So the House refused to take up said amendment.

Mr. Kinney introduced,

A bill, No. 43, to authorise the Judges of the circuit courts in this State to appoint sheriffs in certain cases.

Which bill was read a first time and passed.

Mr. Milligan submitted the following preamble and resolution; No. 62:

Whereas, The present system of employing convicts in the penitentiary of this State at the mechanical arts, is deemed by that highly respectable and important part of our population who practise these arts, as oppressive to their interests, and degrading to their profession, and having a tendency to drive them from their favorite pursuits and to prevent all high minded young men from engaging in any of the arts practised in the State prison; and *whereas*, it is deemed unwise and impolitic in any Government or State, thus to enter into competition with its own citizens, and to extend favor or patronage to any branch of industry to the prejudice or degradation of another,

Resolved therefore, That the Committee on the Penitentiary be, and they are instructed to inquire into the expediency and practicability of directing the labor of the convicts in some other channel, so as to conflict less with the mechanical interest and be equally profitable to the State.

Which preamble and resolution was read and laid on the table.

On motion of Mr. Black,

The House took up resolution No. 59, offered by himself on yesterday, amendatory to the rules of the House.

Mr. Miller of Hardeman moved to amend the 30th rule of the House by adding thereto the following words :

" Unless in case where a bill has passed upon the third reading and the clerk has been ordered by the House to transmit it to the Senate."

Mr. Farquharson moved to amend said 30th rule by striking out the whole thereof, and inserting in lieu the following words :

" Bills or resolutions finally acted upon in the House of Representatives, shall be retained until 12 o'clock on the day succeeding the day on which it passed, after which time no motion to reconsider shall be in order."

Mr. Cheatham moved that said resolution and amendments be laid on the table.

Which motion was agreed to by the House.

The House took up

A bill, No. 29, to allow sheriffs further time to report removals and insolvencies.

Which bill was amended on motion of Mr. Polk.

Said bill was then read a second time and rejected.

A message from the Senate, No. 20, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have passed a resolution recommitting the report of the joint select committee, appointed to wait upon his Excellency the Governor, informing him of his re election, and to learn of him when it may suit his convenience to attend the General Assembly for the purpose of being inaugurated, in which the concurrence of the House of Representatives is requested.

On motion of Mr. Alexander,

The House took up Senate's resolution, No. 35, which was read at the clerk's table as follows :

Resolved by the General Assembly of the State of Tennessee, That the report of the joint select committee appointed to wait upon the Governor and inform him of his re election, be recommitted with instructions to report again in the course of the next ensuing week.

Which resolution was concurred in by the House.

Ordered, That the clerk acquaint the Senate therewith.

On motion of Mr. Williams,

The House took up the motion to reconsider the vote of the House this morning, refusing to take up Senate's amendment to the resolution of the House, No. 24, in relation to the election of Senator's to the Congress of the United States.

Mr. Polk moved a call of the House.

Which motion prevailed.

The roll of the members was thereupon called over and all the members answered to their names except Mr. McGinnis and Mr. Trott; Mr. McGinnis having been excused by the House for his nonattendance on account of indisposition, and Mr. Trott having appeared within the bar of the House,

On motion of Mr. Bledsoe,

The further proceeding in the call of the House was dispensed with.

The question was then taken on agreeing to the motion of Mr. Williams, and it was determined in the affirmative.

Yeas	39
Nays	35

The yeas and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquaharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said motion to reconsider the vote of the House refusing to take up Senate's amendment to the resolution of the House, No. 24, was sustained by the House.

The question then recurred on taking up said amendment of the Senate to resolution No. 24, of the House, and being taken thereon was determined in the affirmative.

Yeas	42
Nays	32

The yeas and nays being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rogers, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Cherry, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquaharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So the House agreed to take up said Senate's amendment to resolution of the House, No. 24.

Mr. Maury moved to amend said amendment of the Senate striking out all after the word "and," and inserting in lieu thereof following words: "that the two Houses shall meet in convention in Representative hall at 4 o'clock P. M., instead of 10 o'clock A. M. as first proposed for the purpose aforesaid."

Mr. Polk thereupon moved at 20 minutes before 12 o'clock, that the House adjourn until 2 o'clock, P. M.

The question being taken on agreeing to said motion, it was determined in the negative.

Yeas	39
Nays	39

The yeas and nays being called for by Mr. Brooks, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Bobo, Boddie, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudap, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Hughes, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to adjourn,

The question recurring on Mr. Maury's motion to amend Senate's amendment, by striking out all after the word "and," and inserting his amendment in lieu thereof.

Mr. Polk thereupon moved a division of the question.

Whereupon the question being taken on striking out as moved by Mr. Maury, was determined in the affirmative.

Yeas	46
Nays	26

The yeas and nays being called by Mr. Maury, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudap, Deavenport, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Hughes, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Trott, Turner, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Cherry, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, Marr, Miller of Marshall, Milligan, Polk, Scott, Smart, Turney, Wann, and Wyley.

So the motion of Mr. Maury to strike out of the Senate's amendment after the word "and," was agreed to by the House.

The question was thereupon taken upon inserting the amendment moved by Mr. Maury, and was determined in the affirmative.

Yeas
Nays

50
24

The yeas and nays being called for by Mr. Maury, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Duggan, Glenn, Goodall, Goode, Hamilton, Hodsdon, Hughes, Humphreys, Jourdon, Lauderdale, Lenoir, Maury, Meores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Cherry, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Gordon, Hord, Houston, Hudleston, Kinney, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Trott, Turner, Turney, Walker of Hickman, and Wyley.

So said amendment offered by Mr. Maury, was ordered by the House to be inserted in lieu of the words stricken out of said Senate's amendment.

Mr. Farquharson made a point of order, whether the House could amend a proposition which had already passed the House, and had been concurred in by the Senate with an amendment.

The Speaker decided that it was not in order to amend the original proposition unless by way of amendment to the Senate's amendment, which in that form, it was within the competence of the House to do.

Mr. Miller of Hardeman moved to adjourn until 2 o'clock.

Which motion was disagreed to by the House, and thereupon the amendment of Senate to the resolution of the House No. 24, as amended by the House as aforesaid, was concurred by the House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Miller of Hardeman,

The House then adjourned until 2½ o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Polk moved a reconsideration of the vote of the House this morning, concurring in the Senate's amendment to resolution of the House No. 24, as amended on motion of Mr. Maury.

Which motion to reconsider the Speaker declared out of order, inasmuch as said resolution and amendments had been transmitted to the Senate for their concurrence, and were thus beyond the control of the House.

The House took up

A bill, No. 30, to authorize the proprietor of Burk's Turnpike road to keep two gates on said road.

Ordered, That said bill be referred to the Committee on Internal Improvements.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution No. 28, requesting the Governor of Tennessee to open a correspondence with the Governor of Georgia, in relation to the navigation of the Conasauga river, in which the concurrence of the House of Representatives is requested.

They have also taken up and considered the amendment of the House to Senate's amendment of the resolution of the House, No. 24, in relation to the election of Senators to the Congress of the United States, in which amendment of the House the Senate concur.

The House took up,

A bill, No. 32, for the relief of such persons as may have notes under discount at the Bank of Tennessee, or any of its Branches.

Which bill was read a second time and passed.

Ordered, That said bill be referred to the Committee on Banks.

The House took up,

A bill, No. 35, to regulate the fees of witnesses in trials before justices of the peace.

Which bill was read a second time and rejected.

The House took up,

A bill, No. 21, to incorporate the inhabitants of the town of Dandridge, in the county of Jefferson; and

A bill, No. 37, to incorporate the town of Tazewell, in the county of Claiborne.

Which bills were read a second time and passed.

The House took up,

A bill, No. 39, to amend an act, passed 24th January, 1838, entitled, "an act to establish a system of Common Schools in the State of Tennessee."

Mr. Hord moved to amend said bill by adding to the 4th section the following amendment:

"And that said clerk be required to present to the chairman of the county court on the first Monday in April, in each and every year a statement showing the amount of Common School moneys received and paid out by him, and the balance if any in his hands, and when accepted by the chairman, shall be taken as settlement made by said clerk in relation to common school moneys."

Which amendment was adopted.

Ordered that said bill be referred to the Committee on Education and Common Schools.

The two Houses of the General Assembly then met in Convention in the Representative Hall for the purpose of electing two Senators from this State to the Congress of the United States, in obedience to a joint resolution adopted by both Houses.

Mr. Goodall moved a call of the Convention.

Which being ordered by the Convention,

The roll of the members of the House of Representatives was then called over, and all the members answered to their names except Mr.

McGinnis and Mr Marr, further proceedings with the call being dispensed with,

Mr. Hodsden moved that the Convention proceed to the election of a Senator from this State to the Congress of the United States, to fill the unexpired term of the Hon. Felix Grundy, dec'd.

Which motion was agreed to by the Convention.

And thereupon Mr. Jennings, Senator from the county of Davidson, nominated Ephraim H. Foster, of said county of Davidson.

The vote of the House of Representatives was then taken viva voce in said election, and was as follows:

FOR MR. FOSTER :

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 40 votes.

FOR WILLIAM CARROLL:

Messrs. Anderson, Black, Boddie, Cross of Sullivan, Crouch, Deavenport, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Turner, Turney, Wann, and Wyley, 27 votes.

FOR MR. CAVE JOHNSON:

Messrs. Cherry, Eubank, Trott, and Walker of Hickman, 4 votes.

FOR MR. WATTERSON:

Mr Bobo, 1 vote.

FOR MR. FITZGERALD:

Mr. Edwards, 1 vote.

It being reported to the Convention by Mr. Cocke, Clerk of the Senate, that the result of the vote of the Senate in said election was, for Foster, fourteen votes; for Alexander Anderson, one vote; for Wm. Carroll, six votes, for Cave Johnson, one vote. And it appearing that Ephraim H. Foster had received a majority of all the votes given by both Houses, in said election, the Speaker of the Senate thereupon declared the said Ephraim H. Foster, to be duly and constitutionally elected a Senator from this State for two years from and after the 4th day of March, 1843.

Mr. Hodsden then moved that the Convention proceed to the election of a Senator from this State to the Congress of the United States, for six years from the 4th of March, 1841, to succeed the Hon. Alexander Anderson.

Mr. Anderson moved that the Convention postpone the further execution of the joint resolution of the two Houses until to-morrow morning, 9 o'clock.

Which motion was disagreed to by the Convention.

The Convention then proceeded to the election of Senator from this State to the Congress of the United States from the 4th of March, 1841, to succeed the Hon. Alexander Anderson.

Mr. Hodsden thereupon nominated Mr. Spencer Jarnigan, of the county of McMinn.

The vote of the members of the House of Representatives was then taken viva voce in said election, and was as follows.

FOR SPENCER JARNAGIN:

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moore's, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 40 votes.

FOR ALEXANDER ANDERSON:

Messrs. Black, Eubank, Farquharson, Fisher, Garner, Hughes, Miller of Marshall, Walker of Hickman, and Wan, 9 votes.

FOR CAVE JOHNSON:

Mr. Edwards, 1 vote.

FOR LEVIN H. COE:

Messrs. Glenn, Huddleston, Miller of Hardeman, Scott, and Wyley, 5 votes.

FOR JOHN BLAIR:

Messrs. Cherry, Cross of Sullivan, Crauch, Kinney, Milligan, Trott, and Turney, 7 votes.

FOR GEORGE W. ROWLES:

Messrs. Deavenport, Lauderdale, Polk, and Smart, 4 votes.

FOR HOPKINS L. TURNEY:

Mr. Bobo, 1 vote.

FOR WM. TROUSDALE:

Messrs. Boddie, and Turner, 2 votes.

FOR M. A. LONG:

Mr. Gordon, 1 vote.

FOR THOS. L. WILLIAMS:

Mr. Hord, 1 vote.

FOR WM. B. REESE, Mr. Houston, 1 vote.

It being reported to the Convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Jarnagin, 44 votes; for Anderson, 2 votes; for Johnson, 1 vote; for Blair, 2 votes, and for Rowles, 2 votes; and it appearing that Spencer Jarnagin had received a majority of all the votes given by both Houses in said election, the Speaker of the Senate thereupon declared the said Spencer Jarnagin to be duly and constitutionally elected a Senator from this State to the Congress of the United States, for six years from and after 4th day of March, 1841.

The business which brought the two Houses together having been disposed of, Mr. Speaker and members of the Senate withdrew from the Representative Hall, and then the House adjourned.

WEDNESDAY, OCTOBER 18th, 1843

The House met pursuant to adjournment.

Mr. Cheatham stated to the House that the decease on yesterday of a son of His Excellency Governor Jones, is announced in this morning's paper, and that the funeral will take place this morning at 9 o'clock; he therefore moved that a message be transmitted to the Senate, proposing that the two Houses of the General Assembly adjourn for the purpose of attending said funeral, and requesting the concurrence of the Senate therein.

Which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

A message No. 22, from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate concur in the proposition of the House of Representatives, that the two Houses of the General Assembly adjourn for the purpose of attending the funeral of the son of His Excellency Governor Jones, this morning.

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The House took up Senate's resolution, No. 29, to elect Comptroller and Treasurer on the 20th inst., which was read, and

On motion of Mr. Richardson,

Said resolution was ordered to the table.

The House took up the Senate's resolution No. 28, requiring the Governor of the State to open a correspondence with the Governor of Georgia on the subject of the navigation of the Conasauga river.

Which resolution was read and concurred in by the House of Representatives.

The House took up a petition of sundry citizens of Rutherford county, transmitted to this House from the Senate, praying a reduction of the pay of members of the Legislature and its officers, and a limitation of the session of the Legislature to once in six years, and to sixty days duration to each session.

Which petition was read and ordered to be referred to the Committee on the Judiciary.

Mr. Wann moved a reconsideration of the vote of the House rejecting bill No. 29; on yesterday.

Which motion was agreed to by the House.

Mr. Huddleston introduced

A bill, No. 44, for the purpose of placing all executions on equal terms.

Which bill was read a first time and passed.

Mr. Richardson introduced,

A bill, No. 45, to consolidate the offices of the President of the Bank of Tennessee and Treasurer of State.

Which bill was read a first time and passed.

Mr. Wyley introduced,

A bill, No. 46, to reduce the salary of the Comptroller of the Treasury.

Which bill was read a first time and passed.

Mr. Coggin introduced

A bill, No. 47, to repeal the second section of an act of 1817, chap. 77.

Which bill was read a first time and passed.

The House took up

A bill, No. 8, to repeal the law requiring the sales of real estate to be advertised in newspapers;

Mr. Hodsdon moved to amend said bill by inserting after the word "sales" in the 6th line of the first section, the following words: "of the lands of non residents of the county."

Which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas

53

Nays

9

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Goodall, Goode, Hamilton, Hodsdon, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trott, Turney, Tyler, Walker of Williamson, Wann, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Burrus, Cherry, Gordon, Lauderdale, Moores, Moorman, Walker of Hickman, and Wyley.

So said bill passed on its third reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, No. 12, to repeal the 4th section of an act to authorize the building dams across Duck river of certain dimensions, passed Feb. 5th, 1842, chap. 137.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas

65

Nay

1

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Nave, Polk,

Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trotter, Turner, Turney, Tyler, Walker of Hickman, Wan, Wheeler, Wyley, and Mr. Speaker Barringer.

The negative vote was
Mr. Marr.

Said bill passed on its 3rd and last reading in this House.

And was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Miller of Hardeman,

That the House give leave of absence to Mr. Anderson, for this afternoon.

Which motion was agreed to by the House.

The House took up

A bill, No. 16, to authorize the Sheriff of Sullivan county to appoint an additional deputy.

Said bill was then read a third time.

And the question being taken "shall the bill pass," was decided in the affirmative.

So said bill was passed on its third and last reading in the House.

And was ordered to be engrossed, and transmitted to the Senate, etc.

The House took up

A bill, No. 17, to incorporate the town of Rome, in the county of Smith, and for other purposes.

Said bill was then read a third time.

And the question being taken, shall the bill pass, was decided in the affirmative.

So said bill was passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, No. 20, to authorize the clerks of the district courts to furnish the clerks of the new counties in this State, with the reports of the Supreme Court.

Mr. Polk moved to amend said bill by inserting after the word: "Supreme Court" in the second line of section 1, and in the 4th line of section 2d, the following words: "or the Secretary of State."

Which amendment was adopted.

So said bill as amended, was then read a third time.

And the question being taken, shall the bill pass, was decided in the affirmative.

So said bill passed its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, No. 25, to define the punishment of persons for not returning the result of elections.

Said bill was then read a third time.

And the question being taken, shall the bill pass, was decided in the affirmative.

Yeas,

41

Nays,

26

Those who voted in the affirmative are,

Messrs. Alexander, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Cheatham, Cleveland, Coggin, Crudup, Dearing, Duggan, Fisher, Glenn, Goodall, Goode, Huddleston, Jourdan, Kinney, Lenoir, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Price, Trimble, Trott, Turney, Tyler, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Black, Boddie, Carson, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Garner, Gordon, Hodsdon, Houston, Hughes, Humphreys, Lauderdale, Maury, Moores, Nave, Sherrill, Turner, Walker of Hickman, Wann, and Wyley.

So said bill was passed on its third and last reading in this House, and ordered to be engrossed and transmitted to the Senate.

Mr. Wann introduced

A bill, No. 48, to amend the revenue laws of this State.

Which bill was read a first time and passed.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, OCTOBER 19 h, 1843.

The House met pursuant to adjournment.

Mr. Hodsdon presented the petition, No. 33, of Thomas Maxwell, a citizen of Blount county, in relation to a claim South of French Broad and Holston rivers.

Which petition was read and ordered to be referred to the Committee on Public Lands.

Mr. Trimble presented a petition, No. 24, from sundry citizens of Davidson county, praying an act of incorporation for a turnpike road.

Which petition was read and ordered to be referred to the Committee on Internal Improvements.

Mr. Miller of Hardeman, from the Committee on the Judiciary, reported that the Committee had had under consideration resolution No. 55, instructing them to take into consideration the propriety of increasing the jurisdiction of justices of the peace, on accounts and against endorsers, &c., to \$200, and have instructed him to report unfavorably of the same.

Mr. Trott moved a non-concurrence with the report.

Mr. Black moved to lay the report of the Committee on the Judiciary, on resolution No. 55, on the table.

Which motion was agreed to by the House.

A message from the Senate, No. 25, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution of the House, No. 53, proposing a joint select committee for the purpose of selecting a site for the Capitol of the State and have concurred therein, and have appointed to be of said committee on the part of the Senate, Messrs. Speaker Anderson, Jennings, Nelson, and Gordon; they have also passed upon its third and last reading, a bill, No. 24,

to exempt from execution five head of sheep on the contingencies specified in this act, in which a concurrence of the House of Representatives is requested.

Mr. Miller of Hardeman, from the Committee on the Judiciary, reported that the said Committee had had under consideration, bill No. 3, allowing former sheriffs further time to collect arrearages of taxes, and have instructed him to report unfavorably to the same and recommend its rejection.

Mr. Scott moved to strike out in the proviso of said bill in the third line, the following words: "the sheriff shall make oath that said taxes have not been paid," and insert "and shall make oath of the payment of said taxes, said persons shall thereby be exempted from said taxes."

Which amendment was rejected

The bill was then read a third time.

And the question being taken, shall the bill pass, was determined in the negative.

Yeas

33

Nays

36

Those who voted in the affirmative are,

Messrs. Anderson, Black, Boddie, Bone, Carson, Cherry, Coggin, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Garner, Glenn, Goodall, Hamilton, Hord, Houston, Hughes, Humphreys, Miller of Marshall, Milligan, Moores, Morrow, Polk, Roach, Rodgers, Trice, Turner, Walker of Hickman, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Bond, Burrus, Cheatham, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Farquharson, Fisher, Goode, Gordon, Hodsden, Huddleston, Jourdon, Kinney, Lenoir, Marr, Miller of Hardeman, Maury, Moorman, Morris, Nave, Rawlings, Richardson, Smart, Trimble, Trott, Turney, Walker of Williamson, and Mr. Speaker Barringer.

So said bill was rejected.

A message from the Senate, No. 24, by their clerk, Mr. Cocke:

MR. SPEAKER.: The Senate have directed me to request the House of Representatives to transmit to the Senate for their use, five hundred copies of the report of the Bank of Tennessee, printed by order of the House of Representatives, to which request they ask the assent of the House of Representatives.

Which was read and laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, reported that the committee had had under consideration, a bill, No. 13, to alter the mode of selecting jurors, and had instructed him to report unfavorable to said bill, and report an amendment in lieu thereof, and recommend the adoption of said amendment.

Which amendment was adopted.

The said bill as amended was then read a first time and passed.

Mr. Morris introduced,

A bill, No. 49, for the benefit of endorsers, securities, and stayors.

Mr. Coggin introduced,

A bill, No. 52, to repeal the 4th section of the act of 1817, chapter 65.

Which bills were severally read a first time and passed.

Mr. Kinney introduced,

A bill, No. 50, to provide for the appointment of coroner, and to amend and explain the act of 1779, chapter 5, section 2, and 3, and the act of 1807, chapter 14 section 3.

Which bill was read a first time and passed.

Ordered, that said bill be referred to the Committee on the Judiciary, with instructions to report at as early a day as convenient.

Mr. Avery submitted the following resolution. No. 63:

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee be appointed on the subject of the Memphis Hospital, and that they take into consideration all matters referred to them on that subject, with leave to report by bill or otherwise.

Which was read, and the rule requiring resolutions to lay one day on the table being suspended,

Said resolution was adopted.

Whereupon the Speaker announced the appointment of Messrs. Avery, Glenn, Farquharson, Rawlings, and Alexander, to be of said committee on the part of the House of Representatives.

Mr. Maury, from the Committee on Enrolments, reported that the committee had examined House bills of the following titles, to wit:

A bill, No. 8, to repeal the laws requiring the sales of real estate to be advertised in newspapers.

A bill, No. 12, to repeal the 4th section of an act to authorize the building of dams across Duck river of certain dimensions, passed February 5th, 1812, chapter 137.

A bill, No. 16, to authorize the Sheriff of Sullivan county to appoint an additional deputy.

A bill, No. 17, to incorporate the inhabitants of the town of Rome, in the county of Smith, and for other purposes.

A bill, No. 20, to authorize the clerks of the Supreme courts to furnish the clerks of new counties in this State with reports of the Supreme courts, and

A bill, No. 25, to define the punishment of Sheriffs for not returning the results of elections.

And found said bills to be correctly engrossed.

Ordered that the same be transmitted to the Senate.

On motion of Mr. Cheatham,

The House took up,

Senate's message, No. 24, requesting the House of Representatives to furnish the Senate with five hundred printed copies of the Bank reports.

Mr. Walker of Williamson moved that said request of the Senate be concurred in, and that five hundred additional copies of said report be printed, provided the type has not been distributed.

Which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Farquharson,

Ordered, That the manuscript report of the Bank of Tennessee and accompanying documents be transmitted to the Senate.

Mr. Cross of Sullivan introduced,

A bill, No. 51, to suppress the execution and receiving of bills single and promissory notes for gambling considerations.

Mr. Duggan introduced,

A bill, No. 53, for the relief of securities to contracts made after the 1st of January, 1844.

Mr. Farquharson introduced,

A bill, No. 54, to extend the jurisdiction of justices of the peace.

Which bills were severally read a first time and passed.

Ordered, That said bills, Nos. 51, 53, and 54, be referred to the Committee on the Judiciary.

On motion of Mr. Farquharson,

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Trice introduced;

A bill, No. 52, to attach McNairy county to the district of the chancery court at Savannah.

Which bill was read a first time and passed.

Mr. Moores submitted the following preamble and resolution, No. 54:

Whereas, Sundry resolutions and bills have been referred to the Committee on the Judiciary for their investigation and reports, relating to the reduction of the salaries and fees of the various civil officers, reduction of the number of judicial circuits, abolishment of some of these officers, and the chancery courts, or some change in the present system.

Whereas, The election to fill many of the State or civil and judicial officers are now pending, and an expense incurred by attempts from time to time to bring on the same, and the failure productive of great inconvenience to all parties interested.

Whereas, Time is asked, and their elections are now deferred to await the action of the Legislature on the subject.

Resolved, That the Committee on the Judiciary be instructed to give these respective subjects precedence in the deliberations, and report as early as practicable.

Resolved, That the consideration of said subjects connected with said officers and elections after being reported upon by said committee, shall have precedence over all other business originating in this House or be the special order of the day until the same shall be acted upon and completed.

Resolved, That all motions to bring on any of these elections be postponed until the 20th November next.

Which preamble and resolutions were read and laid on the table.

On motion of Mr. Huddleston,

The House took up resolution No. 23, in relation to the reduction of salaries of public officers, 25 per ct., directory to the Committee on Finance.

Mr. Miller of Hardeman moved to strike out all after the words "commencing with the Governor" and inserting an amendment "confining the reduction to the pay of members of the Legislature."

Which amendment was rejected.

Mr. Boddie moved to strike out all after the word "resolve," and offered the following in lieu thereof: "that the Committee of Ways and Means be directed to inquire into the expediency of reducing the salaries of such officers as will bear a reduction, without detriment to the public interest, including members of the General Assembly, their clerks and door-keepers, and that they report at as early a day as practicable, by bill or otherwise.

The question being taken by the House on said amendment, it was determined in the negative.

Yeas

32

Nays

42

The yeas and nays being called for by Mr. Brooks, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Anderson, Bledsoe, Bobo, Boddie, Bone, Burrus, Cheatham, Cross of Madison, Deavenport, Goode, Goodall, Hamilton, Hodsden, Hord, Jourdan, Lenoir, Maury, Miller of Hardeman, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Williams.

Those who voted in the negative are,

Messrs. Black, Bond, Brooks, Carson, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Houston, Huddleston, Humphreys, Hughes, Kinney, Lauderdale, Marr, Miller of Marshall, Milligan, Moores, Nave, Polk, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Walker of Hickman, Wann, Wheeler, Wyly, and Mr. Speaker Barringer.

So said amendment was rejected.

On motion of Mr. Walker of Williamson,

Said resolution was amended so as to be directory to the Committee of Ways and Means, instead of the Committee on Finance.

The question was taken on the adoption of the resolution, and was determined in the affirmative.

Yeas

67

Nays

7

The ayes and noes being called for by Mr. Brooks and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston

Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Miller of Hardeman, Moores, Trice, Trimble, Walker of Williamson, and Wheeler.

So said resolution was adopted.

Mr. Brooks moved a reconsideration of the vote of the House ordering the transmission to the Senate of five hundred copies of the printed reports of the President of the Bank of Tennessee and the accompanying documents.

Which motion to reconsider was disagreed to by the House.

Mr. Maury moved a reconsideration of the vote of the House adopting resolution, No. 23, in relation to the reduction of the salaries of public officers.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas

19

Nays

55

The yeas and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bobo, Cross of Madison, Goodall, Hamilton, Jourdan, Lenoir, Marr, Maury, Miller of Hardeman, Moores, Moorman, Morris, Trice, Trimble, Tyler, Walker of Williamson, and Wheeler.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Devenport, Dearing Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Miller of Marshall, Milligan, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, Wan, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

Mr. Hodsden moved that the House take up resolution of the Senate in relation to the election of a Treasurer and Comptroller of the Treasury.

Which motion was disagreed to by the House.

On motion of Mr. Polk,

The House took up, a bill from the Senate, No. 24, to exempt from execution five head of sheep, on the contingency specified in the act.

Which bill was read a first time and passed.

The House then adjourned until 9 o'clock to-morrow morning.

FRIDAY, OCTOBER 20th, 1843.

The House met pursuant to adjournment.

Mr. Duggan presented a petition, No. 25, from A. E. Ellis, deputy Sheriff from the county of Sevier, praying for Legislative relief.

Which was read and referred to the Committee on Claims.

Mr. Moorman presented the memorial and petition, No. 26, of H. Stroat, on the subject of establishing a board of school commissioners in every county in the State, and the establishment of a State Library at the seat of Government.

Which memorial was read and ordered to be referred to the Committee on Education and Common Schools.

Mr. Alexander presented a memorial, No. 27, from the President and Board of Trustees of the Memphis Naval Hospital and accompanying documents, praying an appropriation to be made for the use of said Hospital.

Which memorial was read and ordered to be referred to the Select Committee on that subject.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom had been referred, "A bill, No. 40, to vest in the circuit courts of this State certain powers," reported that the Committee had had the same under consideration and had instructed him to report that the bill would conflict with the Constitution of the State and to recommend its rejection.

Which bill was read a second time, and the report of the Committee concurred in.

Said bill was rejected.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom had been referred, "A bill, No. 26 to regulate the stay of execution upon judgments before justices of the peace," reported that the Committee had had the same under consideration, and a majority of said Committee had instructed him to report against the bill and to recommend its rejection.

Which bill and report,

On motion of Mr. Miller of Hardeman,

Were laid on the table.

Mr. Cheatham, from the Committee on Banks, reported the following resolution, No. 65:

Resolved by the General Assembly of the State of Tennessee, That the President of the Bank of Tennessee, at Nashville, be required to inform the Joint Committee on Banks what legal steps, if any, have been taken against the securities of E. W. Dale, late Cashier of the Branch of the Bank of Tennessee at Columbia, and what is the condition of the liability at this time—whether execution has been issued—if so, what is the return of the Sheriff thereon, and all other information which he may think calculated to enlighten the Committee on the subject.

Which report was concurred in by the House; and said resolution adopted.

Mr. Hamiter, from the Committee on Elections, to whom was re-

ferred memorial, No. 13, of sundry citizens of the county of Carroll, to bring on the election of the county officers at an earlier day, and resolution, No. 19, embracing the same subject, and bill, No. 27, to change the time of electing county officers, reported that the Committee had had the same under consideration and had instructed him to report said bill without amendment and recommend its rejection.

Which report was, on motion of Mr. Black, laid on the table.

And leave was given him to withdraw said bill for amendment.

Mr. Sherrill presented the report of the Superintendent of Public Instruction, No. 4

Which was read.

Mr. Rawlings moved that said report be transmitted to the Senate.

Mr. Boddie moved that said report be laid on the table.

Which motion was agreed to by the House.

M. Goode submitted the following resolution, No. 66:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the Hall of the latter, on Wednesday, the 25th inst., for the purpose of electing a Judge for the eighth Judicial Circuit of this State, to supply the vacancy to be created by the expiration of the term of the Hon. Edmund Dillahunty.

Which resolution was read and laid on the table.

Mr. Rodgers submitted the following resolution, No. 67:

Resolved, by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall, on Friday, the 20th inst., (to-day) for the purpose of electing a Register for the Mountain District.

Which resolution was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Carson submitted the following resolution, No. 68:

Resolved, That the Committee on Banks, be instructed to make a full and thorough investigation into the state and condition of the Bank of Tennessee and its Branches, and ascertain whether there has been any mismanagement in transacting the business of said bank or any of its branches, and if so, that they ferret out the same, if possible; and report thereon, in order that the members of this General Assembly, and the public generally, may be correctly informed in relation to the true state and condition of said bank and branches.

Resolved, That said Committee be further instructed to inquire whether said Bank and its Branches are in a condition that will justify an extension of the accommodations to be given to the people of the country, and if they are that proper measures be adopted, requiring the same to be done, and if they are not, that said Committee be further instructed to inquire into the best policy to be adopted by the Legislature, by which to increase the circulation of said Bank for the purpose of supplying the scarcity of money which prevails in the country, whether it will be by authorising the issuance of post notes by said banks, or by altering the charter of the Bank so that its capital stock may be increased by individual subscription to a just and reasonable amount and thereby furnish the means for an increase of the circula-

tion to some extent, commensurate with the wants of the country, or whether some other policy will be better than either, and report by bill or otherwise at as early a day as practicable.

Mr. Burrus introduced,

A bill, No. 53, to provide for the dismissal of suits in certain cases.

Mr. Coggin introduced,

A bill, No. 54, to repeal part of the act of 1829, chapter 88, section 1.

Mr. Milligan introduced,

A bill, No. 55, to authorize the trustees of Rhea Academy to appoint an additional number of trustees.

Mr. Wheeler introduced,

A bill, No. 56, to regulate the time of working on public roads.

Which bills were severally read a first time and passed.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered resolution, No. 67, of the House of Representatives, proposing that the Senate meet the House in the Representative hall on this day for the purpose of electing a Register for the mountain district, in which resolution the Senate concur.

The two houses of the General Assembly thereupon convened in the Representative hall in obedience to two joint resolutions adopted by both houses, for the purpose of electing a Register for the Western District, and also a Register for the Mountain District.

Mr. Rawlings moved a call of the convention.

Which motion was rejected.

Mr. Rodgers moved that the convention first proceed to elect a Register for the mountain district.

Which motion prevailed,

Mr. Rodgers thereupon nominated Richard Nelson for said office.

The vote of the House of Representatives was then taken viva voce in said election and was as follows:

FOR RICHARD NELSON:

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudep, Deavenport, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Huddleston, Houston, Hughes, Humphreys, Jourdon, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moore, Moorman, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Wann, Williams, Wyley, and Mr. Speaker Barringer, 73 votes.

It being reported to the convention by Mr. Cocke, the clerk of the Senate, that the result of the vote of the Senate in said election was, for Nelson twenty five votes; and it appearing that Richard Nelson had received a majority of all the votes given by both houses in said election,

The Speaker of the Senate thereupon declared the said Richard Nelson to be duly and constitutionally elected Register of the mountain district for the ensuing four years.

The convention then proceeded to the election of a Register of the Western District; Messrs. Barret C. Keates, Charles Temple, William O. Butler, Joseph F. Cloud, Robert Elder, McClain Cross, G. D. Morrow, William W. Searcy, and Benjamin C. Campbell being in nomination as candidates for said office.

The vote of the House of Representatives was thereupon taken viva voce in said election and was as follows:

FOR KEATES:

Messrs. Bond and Hord, 2 votes.

FOR SEARCY:

Messrs. Cheatham, Cherry, Edwards, Hamilton, Moorman, Roach, Tyler, and Mr. Speaker Barringer, 8 votes.

FOR TEMPLE:

Messrs. Alexander, Brooks, Crudup, Jourdan, and Williams, 5 votes.

FOR BUTLER:

Messrs. Bobo, Crouch, Fisher, Garner, Glenn, Kinney, Miller of Hardeman, Miller of Marshall, Polk, Scott, Smart, Turney, Walker of Hickman, and Wyley, 14 votes.

FOR CROSS:

Messrs. Black, Cross of Madison, Cross of Sullivan, Deavenport, Eubank, Farquharson, Gordan, Huddleston, Lauderdale, Maur, Trice, Trott, and Wann, 14 votes.

FOR ELDER:

Messrs. Bledsoe, Boddie, Bone, Burrus, Coggin, Goodall, Milligan, Moores, Richardson, Trimble, and Turner, 11 votes.

FOR MORROW:

Messrs. Anderson, Carson, Dearing, Duggan, Goode, Hodsden, Hughes, Humphreys, Lenoir, Maury, Morris, Nave, Rawlings, Rodgers, and Walker of Williamson, 15 votes.

FOR CLOUD:

Messrs. Avery, Cleaveland, Sherrill, and Wheeler, 4 votes.

It being reported to the convention by Mr. Cöcke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Keates, 2 votes; for Searcy, 9 votes; for Temple, 1 vote; for Butler, 2 votes; for Cross, 6 votes; for Elder, 2 votes; for Morrow, 2 votes; for Cloud, 1 vote.

And it appearing that neither of the candidates had received a majority of all the votes given by both houses in said election, the convention proceeded to the vote both houses a second time in said election, the same candidates being in nomination.

The vote of the House of Representatives was again taken viva voce in said election, and was as follows:

For Keates, 3 votes; for Searcy, 9 votes; for Temple, 3 votes; for Butler, 13 votes; for Cross, 14 votes; for Elder, 10 votes; for Morrow, 16 votes; for Cloud, 5 votes.

It being reported to the convention by Mr. Cöcke, clerk of the Senate that the result of the vote in said election was, for Keates, 2 votes;

for Searcy, 8 votes; for Temple, 1 vote; for Butler, 3 votes; for Cross, 6 votes; for Elder, 2 votes; for Morrow, 2 votes; for Cloud, 1 vote.

And it appearing that neither of the candidates had received a majority of all the votes given by both houses in said election, the convention thereupon proceeded to take the vote of both houses a third time in said election, the same candidates being in nomination.

The vote of the House of Representatives was again taken *viva voce* and was as follows:

For Cross, 15 votes; for Morrow, 15 votes; for Butler, 12 votes; for Searcy, 13 votes; for Elder, 11 votes; for Cloud, 4 votes; for Temple, 4 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 7 votes; for Morrow, 5 votes; for Butler, 2 votes; for Searcy, 6 votes; for Elder, 2 votes; for Cloud, 1 vote; for Keats, 1 vote; for Temple, 1 vote.

And it appearing that neither of the candidates had received a majority of all the votes given in said election by both houses, the convention thereupon proceeded to take the vote of both houses a fourth time in said election, the same candidates being in nomination.

The vote of the House of Representatives was again taken *viva voce* and was as follows:

For Cross, 14 votes; for Morrow, 15 votes; for Butler, 14 votes; for Searcy, 12 votes; for Elder, 11 votes; for Temple, 3 votes; for Cloud, 4 votes; for Keates, 1 vote.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 2 votes; for Morrow, 5 votes; for Butler, 5 votes; for Searcy 6 votes; for Elder, 4 votes; for Cloud, 2 votes; and for Keates, 1 vote.

And it appearing that there was still no election, neither of the candidates having received a majority of all the votes given in said election.

Mr. Turney, Senator from White, moved,

That the convention adjourn until half past 2 o'clock, P. M.

Which motion prevailing, the convention adjourned accordingly.

AFTERNOON SESSION.

The convention of the two houses of the General Assembly met pursuant to adjournment in the Representative Hall and resumed the election of a Register for the Western District; the names of Keates and Temple having been withdrawn from the list of candidates.

The vote of the House of Representatives was then taken for the fifth time *viva voce* in said election, and was as follows:

For Cross, 7 votes; for Morrow, 13 votes; for Butler, 26 votes; for Searcy, 10 votes; for Elder, 12 votes; for Cloud, 4 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Mor-

row, 4 votes; for Butler, 8 votes; for Searcy, 5 votes; for Elder, 2 votes; and for Cloud, 3 votes.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses for the sixth time in said election, the name of Mr. Butler having been withdrawn from the list of candidates.

The vote of the House was again taken *viva voce* for the sixth time, and was as follows:

For Cross, 21 votes; for Morrow 16 votes; for Searcy, 13 votes; for Elder, 20 votes; for Cloud, 4 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate that the result of the vote of the Senate was, for Cross, 4; for Morrow, 4; for Searcy, 9; for Elder, 5; and for Cloud 2.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses for the seventh time, the same candidates being in nomination.

The vote of the House of Representatives was again taken *viva voce* for the seventh time and was as follows:

For Cross 19 votes; for Elder 18 votes; for Morrow 18 votes; for Searcy 15 votes; for Cloud 4 votes.

It being reported to the Convention by Mr. Cocke Clerk of the Senate that the result of the vote of the Senate was—for Cross, five votes; for Elder, nine votes; for Morrow, one vote; for Searcy, ten votes; and for Cloud none.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the Convention therefore proceeded to take the vote of both Houses for the eighth time—the name of Joseph F. Cloud having been withdrawn from the list of candidates in said election.

The vote of the House of Representatives was again taken *viva voce* for the eighth time and was as follows:

For Cross 22 votes; for Morrow 15 votes; for Searcy 17 votes; for Elder 20 votes.

It being reported to the Convention by Mr. Cocke Clerk of the Senate that the result of the vote of the Senate was—for Cross, four votes; for Morrow, one vote; for Searcy thirteen votes; for Elder six votes.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the Convention thereupon proceeded to take the vote of both Houses for the ninth time, the same candidates being in nomination.

The vote of the House of Representatives was again taken *viva voce* for the ninth time, and was as follows:

For Searcy 16 votes; for Elder 17 votes; for Cross 24 votes; for Morrow 17 votes.

It being reported to the Convention by Mr. Cocke Clerk of the Senate that the result of the vote of the Senate in said election was—for

Searcy, eleven votes; for Elder, six votes; for Cross, four votes; for Morrow, three votes.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the Convention thereupon proceeded to take the vote of both Houses the tenth time.

The vote of the House of Representatives was again taken viva voce for the tenth time and was as follows:

For Searcy 19 votes; for Morrow 16 votes; for Cross 23 votes; for Elder 16 votes.

It being reported to the Convention by Mr. Cocke Clerk of the Senate that the result of the vote of the Senate was—for Searcy, ten votes; for Cross, six votes; for Elder, six votes; for Morrow, three votes.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the Convention thereupon proceeded to take the vote of both Houses for the eleventh time, the same candidates being in nomination.

The vote of the House of Representatives was again taken viva voce in said election for the eleventh time and was as follows:

For Cross 22 votes; for Searcy 17 votes; for Elder 20 votes; for Morrow 15 votes.

It being reported to the Convention by Mr. Cocke Clerk of the Senate that the result of the vote in the Senate was—for Cross, six votes; for Searcy, twelve votes; for Elder, five votes; for Morrow, one vote.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the Convention thereupon proceeded to take the vote of both Houses the twelfth time, the same candidates being in nomination.

The vote of the House of Representatives was again taken viva voce in said election and was as follows:

For Searcy 17 votes; for Cross 24 votes; for Elder 22 votes; for Morrow 11 votes.

It being reported to the Convention by Mr. Cocke Clerk of the Senate that the result of the vote of the Senate in said election was—for Searcy, eleven votes; for Cross, five votes; for Elder, seven votes; and for Morrow, one vote.

And it appearing that there was still no election, neither of the candidates having received a majority of all the votes given by both Houses in said election.

Mr. Nelson, Senator from Knox, moved that the Convention adjourn until to-morrow morning ten o'clock.

Which met on was agreed to by the Convention.

And thereupon Mr. Speaker and members of the Senate withdrew from the Representative Hall.

The House then resumed its session.

On motion of Mr. Good,

Ordered that Mr. Cradup have leave of absence until Monday next.

On motion of Mr. Walker, of Williamson,

Ordered that Mr. Bobo have leave of absence until Monday next.

Mr. Alexander, from the Joint Select Committee appointed to wait on His Excellency James C. Jones, Governor elect, and inform him of his re-election as Governor of this State, and that it was the pleasure of the two Houses of the General Assembly to inaugurate him at such time and place as would suit his convenience, reported that said committee had performed the duty assigned them, and that His Excellency had informed the committee that he would appear before the two Houses of the General Assembly in the Representative Hall on to-morrow at 11 o'clock, for the purpose of taking the oaths of office as prescribed by the constitution and laws of this State.

The House then adjourned.

SATURDAY, OCTOBER 21st, 1843.

The House met pursuant to adjournment.

Mr. Houston presented a petition, no. 28, from sundry citizens of the county of Claiborne, praying the Legislature to pass an act restoring the rights of citizenship to Daniel McVey, of said county.

Which petition was read.

A message from the Senate, no. 27, by Mr. Cocke, their Clerk:

MR. SPEAKER: The Senate have passed upon its third reading a bill no. 26 entitled

A bill to repeal the act of 1833, ch 64, in reference to colonization.

Which is engrossed and herewith transmitted.

They have also adopted a resolution, no. 43, in relation to the reception of a sword proposed to be donated to the State of Tennessee by Col. George W. Sevier, a descendant of the late Gen. John Sevier, to whom said sword was presented by the State of North Carolina. I am directed and do herewith transmit to the House of Representatives said resolution and the communication of Col. George W. Sevier, proposing the donation of said sword; and to request a concurrence of the House of Representatives in the passage and adoption of said bill and resolution, no. 63, of the House, proposing the appointment of a Joint Select Committee on the Memphis Hospital.

In which resolution they have concurred, and have appointed Messrs. Farrington, Nicholson, and Cocke to be of said committee on the part of the Senate.

The Senate have received the report of the Joint Select Committee on Public Printing.

Which I am directed by the Senate to transmit to the House of Representatives, and the same is herewith accordingly transmitted.

I am directed to announce to the House that Mr. Martin, from the Joint Select committee appointed to wait upon His Excellency James C. Jones and inform him of his re-election and that it is the pleasure of the General Assembly that he be inaugurated at such time and place as may suit his convenience, reports that the committee had performed the duty assigned them and had received for answer from His Excellency

er, that he would attend the General Assembly in the Representative Hall on this day at 11 o'clock, A. M., for the purpose of being inaugurated.

With leave of the House Mr. Houston introduced

A bill, no. 57, to restore Daniel McVey to the privileges of citizenship.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Houston, from the Committee on Education and Common Schools, to whom had been referred resolution, no. 32, directory to said committee to inquire into the expediency of abolishing the office of Superintendent of Public Instruction, reported that the committee had had the same under consideration and had instructed him to report in favor of the abolishment of said office, and to ask to be discharged from the further consideration of the subject.

Ordered that said report be laid on the table.

Mr. Carson introduced

A bill, no. 58, to continue the encouragement of the culture of Silk in the State of Tennessee.

Which bill was read a first time and passed.

Mr. Trott moved that the House take up resolution No. 55, directory to the Judiciary Committee, in relation to increasing the jurisdiction of justices of the peace, and the report of said committee adverse to the object of the resolution.

Which motion was disagreed to by the House.

On motion of Mr. Gordon.

The House took up report No. 4, of the Superintendent of Public Instruction.

Mr. Black moved that 1500 copies of said report, and accompanying documents be printed.

Mr. Miller of Hardeman moved that accompanying documents, E and F, be excepted from the printing, inasmuch as they had heretofore been published in the newspapers.

Which motion was disagreed to by the House.

Mr. Goode moved that 750 copies of said report and accompanying documents be printed.

The question was then taken on the motion made by Mr. Black, to print 1500 copies of the report and accompanying documents, and was determined in the affirmative.

Yeas,	40
Nays,	31

The yeas and nays being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bone, Brooks, Cherry, Cross of Madison, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Podesden, Hord, Houston, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, McCrees, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Morrow, Polk, Scott, Sherrill, Price, Turney, Walker of Hickman, Williams, Wyly, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bond, Burrus, Carson, Cheatham, Coggin, Cross, of Sullivan, Dearing, Duggan, Goodall, Goode, Hamilton, Huddleston, Hughes, Jourdan, Maury, Morris, Moorman, Nave, Rawlings, Richardson, Roach, Rodgers, Smart, Trimble, Trott, Turner, Tyler, Walker, of Williamson, Wann, and Wheeler.

So the House ordered that 1500 copies of said report and accompanying documents be printed for the use of the House.

The two Houses of the General Assembly met pursuant to adjournment, in the Representative Hall, and resumed the election of Register of the Western District; Messrs. Cross, Morrow, Elder, and Searcy, being in nomination for said office of Register.

Mr. Harris then renominated Mr. Joseph F. Cloud.

The Convention thereupon proceeded to take the vote of both Houses in said election for the thirteenth time.

The vote of the House of Representatives was thereupon taken viva voce in said election, and was as follows:

For Cross, 26 votes; for Elder, 16 votes; for Searcy, 11 votes; for Morrow, 13 votes; for Cloud, 4 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 7 votes; for Elder, 3 votes; for Searcy, 6 votes; for Morrow, 4 votes; for Cloud, 4 votes.

It appearing that there was no election—neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election for the fourteenth time, the same candidates being in nomination.

The vote of the House of Representatives being again taken viva voce in said election, and was as follows:

For Cross, 26 votes; for Elder, 16 votes; for Searcy, 14 votes; for Morrow, 9 votes.

It being reported to the convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 9 votes; for Elder, 5 votes; for Searcy, 6 votes; for Morrow, 4 votes; and for Cloud, 4 votes.

It appearing that there was no election—neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election for the fifteenth time, the same candidates being in nomination.

The vote of the House of Representatives being again taken, viva voce in said election, and was as follows:

For Cross, 26 votes; for Elder, 14 votes; for Searcy, 11 votes; for Morrow, 15 votes; for Cloud, 5 votes.

It being reported to the convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 8 votes; for Elder, 3 votes; for Searcy, 5 votes; for Morrow, 5 votes; and for Cloud, 3 votes.

It appearing that there was no election—neither of the candidates

having received a majority of all the votes of both Houses in said election.

Mr. Glenn then moved that inasmuch as the hour had arrived which was appointed for the inauguration of the Governor elect, that thereupon the further action of the convention in the election for Register of the Western District, be postponed until Monday Morning, 10 o'clock.

Which motion was disagreed to by the convention.

Mr. Martin, Senator from Wilson, moved that the election pending before the convention, be postponed until 2 o'clock, this afternoon.

Which motion was also disagreed to by the convention.

Mr. Martin then moved that said election be postponed by the convention, until the inauguration of the Governor elect was disposed of.

Which motion was agreed to by the Convention.

And thereupon in pursuance of the report of the Joint Select Committee concurred in by the House, His Excellency James C. Jones, Governor elect, accompanied by the Committee of Arrangements, appeared in the Representative Hall, and being conducted to the Speaker's chair, and prayer being offered up by the Rev. J. T. Wheat, of the Episcopal Church, His Excellency James C. Jones, Governor of the State of Tennessee, then delivered his Inaugural address, and thereupon the several oaths prescribed by the constitution and laws of this State were administered to him, in the presence of both Houses of the General Assembly, by the Hon. Thomas L. Williams, one of the Chancellors of the State of Tennessee, after which prayer was offered by the Rev. Mr. Wheat.

And thereupon His Excellency Governor Jones withdrew from the Representative hall.

Mr. Gardner, Senator from Weakley, then moved that the Convention adjourn until Monday morning, 10 o'clock.

Which motion was agreed to by the convention.

And thereupon Mr. Speaker and members of the Senate withdrew from the Representative hall.

The House then resumed its session.

The House then adjourned until Monday morning, 9 o'clock.

MONDAY, OCTOBER 23d, 1843.

The House met pursuant to adjournment.

Mr. Bond presented a petition, No. 29, praying the passage of a law providing for the payment of slaves executed for capital offences.

Read and ordered to be referred to the Committee on the Judiciary.

A message from the Senate, No. 28, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received the petition, No. 12, of sundry citizens attending the Federal court at Jackson, as suitors witnesses, attorneys, jurors, &c., praying the passage of a law providing for the holding but two terms of the circuit court in each year, in-

instead of three, and making suits triable at the first term when process accompanied with the declaration is served sixty days before the term.

Which they have read, and ordered to be transmitted to the House of Representatives.

The Senate have taken up and considered resolution of the House, No. 65, directory to the President of the Bank of Tennessee, in which resolution the Senate have concurred.

On motion of Mr. Bledsoe,

The House took up memorial No. 12, from the Senate.

Which was read and ordered to be referred to the Committee on the Judiciary.

Mr. Glenn presented petition No. 30, from sundry citizens of Tipton County, praying a reduction of the tax on Commission Merchants.

Which was read, and ordered to be transmitted to the Senate.

Mr. Humphreys presented petition No. 31, of Allen D. Gentry, praying for Legislative relief.

Which was read and referred to the Committee on Claims.

Mr. Humphreys presented petition No. 32, from sundry citizens of Monroe county, praying the Legislature to declare Tellico river navigable from a point above Tellico Plains, where it leaves the Highlands to the Little Tennessee river, and that an appropriation be made for improving the navigation of said river.

Which was read and referred to the Committee on Internal Improvement.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom had been referred,

A bill, No. 10, to extend to executors and administrators additional time to close their trusts.

Reported that said committee had had said bill under consideration, and instructed him to report the same without amendment, and recommend its rejection.

On motion of Mr. Maury,

Ordered that said bill and report of the committee be laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom had been referred, resolution No. 24, directory to said committee, as to the expediency of giving the trial of misdemeanors to justices of the peace.

Reported that the committee had had said resolution under consideration, and had directed him to report.

A bill, No. 59, giving justices of the peace jurisdiction for assaults, batteries, and affrays.

And to recommend the passage of the same.

Ordered that said bill and report be laid on the table.

The two Houses of the General Assembly convened in the Representative hall pursuant to their adjournment on Saturday last, and resumed the election of a Register for the Western District.

Messrs. Cross, Morrow, Cloud, Elder, and Searcy, being in nomination.

The convention thereupon proceeded to take the vote of both Houses for the sixteenth time.

The vote of the House of Representatives was then taken viva voce for the sixteenth time in said election, and was as follows :

For Cross, 20 votes, for Elder, 14 votes, for Searcy, 16 votes, for Morrow, 18 votes, for Cloud, 3 votes.

It being reported by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 7 votes, for Elder, 4 votes, for Searcy, 7 votes, for Morrow, 4 votes, for Cloud, 2 votes.

It appearing that there was no election, neither of the candidates having received a majority of all the votes given in said election by both Houses, the convention then proceeded to take the vote of both Houses for the seventeenth time, the same candidates being in nomination.

The vote of the House of Representatives was again taken viva voce, for the seventeenth time, in said election, and was as follows :

For Cross, 17 votes, for Elder, 18 votes, for Searcy, 17 votes, for Morrow, 20 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 7 votes, for Elder, 4 votes, for Searcy, 3 votes, for Cloud, 1 vote, for Morrow, 3 votes.

It appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election, Mr. Cloud having been withdrawn from the list of candidates, and Messrs. Searcy, Cross, Elder, and Morrow, being in nomination.

The vote of the House of Representatives was then taken viva voce, in said election for the eighteenth time, and was as follows :

For Cross, 20 votes, for Elder, 16 votes, for Searcy, 17 votes, and for Morrow, 19 votes.

It being reported by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 6 votes, for Elder, 4 votes, for Searcy, 11 votes, and for Morrow, 3 votes.

It appearing that there was no election neither of the candidates having received a majority of all the votes given by both Houses in said election.

The convention thereupon proceeded to take the vote of both Houses in said election for the nineteenth time, the same candidates being in nomination.

The vote of the House of Representatives was again taken viva voce, for the nineteenth time in said election, and was as follows :

For Cross, 23 votes, for Elder, 12 votes, for Searcy, 22 votes, for Morrow, 15 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was for Cross, 7 votes, for Elder, 3 votes, for Searcy, 12 votes, and for Morrow, 2 votes.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election for the twentieth time, the same candidates being in nomination.

The vote of the House of Representatives was again taken viva voce, for the twentieth time, and was as follows:

For Cross, 21 votes, for Elder, 12 votes, for Searcy, 26 votes, for Morrow, 13 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 5 votes, for Elder, 5 votes, for Searcy, 12 votes, and for Morrow, 2 votes.

And it appearing that there was no election—neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election, for the twenty-first time, the same candidates being in nomination.

The vote of the House of Representatives was then taken viva voce for the 21st time, and was as follows:

For Cross, 21 votes; for Elder, 14 votes; for Searcy, 27 votes; for Morrow, 9 votes.

It being reported to the Convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cross, 4 votes; for Elder, 4 votes; for Searcy, 15 votes; for Morrow, one vote.

And it appearing that there was no election—neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election, for the 22d time.

Mr. Cross having been withdrawn from the list of candidates.

The vote of the House of Representatives was again taken viva voce for the 22d time in said election, and was as follows:

For Searcy, 23 votes, for Elder, 26 votes, for Morrow, 29 votes.

It being reported to the convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Searcy, 15 votes; for Elder, 5 votes; and for Morrow, 5 votes.

And it appearing that there was no election—neither of the candidates having received a majority of all the votes of both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election for the 23d time, the same candidates being in nomination.

The vote of the House of Representatives was then taken viva voce for the 23d time in said election, and was as follows:

For Searcy, 21 votes; for Morrow, 21 votes; for Elder 29 votes.

It being reported to the convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Searcy 14 votes; for Morrow, 5 votes; and for Elder, 5 votes.

And it appearing that there was no election—neither of the candidates having received a majority of all the votes given by both Houses

in said election, the convention thereupon proceeded to take the vote of both Houses for the 24th time, in said election, the same candidates being in nomination.

The vote of the House of Representatives was then taken *viva voce* in said election for the 24th time, and was as follows:

For Mr. Elder, 34 votes; for Morrow 15 votes; for Searcy 23 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate was, for Elder, 6 votes; for Morrow, 3 votes; for Searcy 15 votes.

And it appearing that there was no election, neither of the candidates having received a majority of all the votes given by both Houses in said election, the convention thereupon proceeded to take the vote of both Houses in said election for the twenty-fifth time, Mr. Morrow having been withdrawn from the list of candidates for said office of Register, and Elder and Searcy being in nomination.

The vote of the House of Representatives was then taken *viva voce* for the twenty-fifth time, and was as follows:

FOR ELDER:

Messrs. Anderson, Avery, Black, Bidsoe, Bane, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Farquharson, Fisher, Garner, Glan, Goodall, Gordon Houston, Hughes, Huddleston, Humphreys, Joudon, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Morrow, Polk, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, and Wyley—47.

FOR SEARCY:

Messrs. Alexander, Bond, Brooks, Cheatham, Cherry, Crudup, Darling, Goode, Hamilton, Hodsden, Hoid, Marr, Moorman, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Trimble, Tyler, Walker of Williamson, and Mr. Speaker Barringer—21.

It being reported to the convention by Mr. Cocke, clerk of the Senate; that the result of the vote of the Senate in said election, was for Mr. Elder eight votes and for Searcy sixteen votes.

And it appearing that Mr. Robert Elder had received a majority of all the votes given by both Houses in said election, the Speaker of the Senate thereupon declared the said Robert Elder to be duly and constitutionally elected Register of the Western District for the ensuing four years.

The business that had brought the two Houses together in convention, having been disposed of,

The Speaker and members of the Senate withdrew from the Representative hall.

The House then resumed its session, and adjourned until half past two o'clock, P. M.

AFTERNOON SESSION.

Mr. Avery introduced

A bill, No. 60, to establish a criminal court in the county of Shelby. Which was read a first time and passed.

Ordered, That said bill be referred to the Committee on the Judiciary.

On motion of Mr. Black,

The House took up

A bill, No. 18, to amend and make uniform the attachment laws of this State.

Mr. Boddie offered the following amendment as a proviso to the 7th section to said bill:

Provided, That nothing herein contained shall be so construed as to prevent justices of the peace from issuing attachments as heretofore to be returnable to any court where the same is recognizable.

Which amendment was agreed to by the House.

Mr. Farquharson moved to amend the bill by striking out of the 6th section and in the third line, the following words: "or order all or any of them to be sold" and insert in lieu thereof, the following: "to collect and pay over the same under the direction of the court."

Which amendment was agreed to by the House.

Mr. Goode moved to strike out in the second line of the 5th section the following words: "sheriff or constable," and insert in lieu thereof the following words: "officers levying the attachment."

Which amendment was agreed to by the House.

Mr. Farquharson moved to strike out of first section and third line the word "or" and insert in lieu thereof the word "and."

Which amendment was rejected by the House.

The bill was then read a third time as amended.

And the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas	53
Nays	19

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Pone, Rurrus, Carson, Cheatham, Cherry, Coggin, Cross of Sullivan, Crouch, Crudun, Dearing, Duggan, Edwards, Fisher, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Jourdon, Kinney, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, and Mr. Speaker Baringer.

Those who voted in the negative are,

Messrs. Anderson, Brooks, Cleaveland, Cross of Madison, Deavenport, Farquharson, Garner, Glenn, Humphreys, Lauderdale, Lenoir, Nave, Richardson, Sherrill, Turney, Wann, Wheeler, Williams, and Wyley.

So said bill passed on its third reading in this House, and was ordered to be engrossed and transmitted to the Senate.

A message from the Senate, No. 29, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received a bid for executing the public printing, from L. Bang & Co., and have ordered the same to be transmitted to the House of Representatives, which is accordingly done.

The House have adopted a resolution, No. 31, instructing the public printer or printers to buy the paper from home manufacturers, and ask the concurrence of the House of Representatives.

The House took up

A bill, No. 31, to incorporate the inhabitants of the town of Dandridge, in the county of Jefferson.

Which bill was read a third time.

And the question being taken by the House, shall the bill pass, was decided in the affirmative.

So said bill passed its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, No. 37, to incorporate the inhabitants of the town of Tazewell, in the county of Claiborne.

Which bill was read a third time.

And the question being taken by the House, shall the bill pass, was determined in the affirmative.

So said bill passed its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

A message from the Senate, No. 30, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution that the bidding for public printing be opened as well for those who have made proposals, as for all other persons, and ask the concurrence of the House of Representatives.

On motion of Mr. Rodgers,

Ordered, By the House that the clerk of the House be directed to enter on the Journals hereafter in all elections before a convention of the two Houses, only the vote of the members of the House on the last voting, or when an election is made, and that he carefully preserve a full and complete list of all the different votings of the House in every election, and that he file the same in the Secretary's office at the end of the Session, with the other documents and papers as filed by him in said office as heretofore.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, OCTOBER 24th, 1843.

The House met pursuant to adjournment.

Mr. Coggin presented petition, No. 33, from sundry citizens of the county of DeKalb, praying the Legislature to pass an act incorporating the town of Smithville, in said county.

Which was read and laid on the table.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred

A bill, No. 39, to amend an act passed the 24th of January, 1838, entitled "an act to establish a system of common schools in the State of Tennessee, had instructed him to report that the committee had had the same under consideration and directed him to report said bill without amendments and recommend its rejection.

Which report was concurred in by the House.

So said bill was rejected.

On motion of Mr. Farquharson,

The House took up the report of the joint select committee on public printing, transmitted from the Senate and all papers relating thereto.

Which report was read at the clerk's table.

On motion of Mr. Polk,

The report was laid on the table.

The Senate's message, No. 35, was taken up, proposing the bidding for public printing be opened as well for those who have already made proposals, as for all other persons.

Which proposition was concurred in by the House.

Ordered, That the clerk acquaint the Senate therewith.

The proposals of W. F. Bang, & Co., for executing the public printing submitted to the Senate on the 23d inst., and transmitted to this House from the Senate, was then taken up and read at the clerk's table.

Mr. Polk submitted resolution, No. 69:

Resolved, That a message be sent to the Senate, praying to recommend to the joint select committee of the two Houses on public printing, the report of said committee, together with the bid of W. F. Bang & Co., with instructions to receive all further bids that may be made.

Mr. Humphreys moved to strike out "Saturday, the 4th November next," and insert in lieu thereof "on the 15th November next."

Which amendment was disagreed to by the House.

Mr. Walker of Williamson moved to amend the resolution so as to require the committee to give notice in the public newspapers that further bids will be received.

Which amendment was also disagreed to by the House.

Mr. Moores moved to strike out "Saturday, the 4th of November next," and insert in lieu thereof "to morrow morning, 10 o'clock."

Which amendment was agreed to by the House.

Mr. Maury moved to lay said resolution on the table.

Which motion was rejected.

The question was then taken on agreeing to said resolution.

It was determined in the affirmative,

Yeas

41

Nays

32

The yeas and nays, No. 69, being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Buddie, Bond, Brooks, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Duggan, Edwards, Eubank, Fairquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Polk, Richardson, Scott, Sherrill, Smart, Trimble, Turner, Turney, Williams, Wann, and Wyly. ¶

Those who voted in the negative are,

Messrs. Alexander, Aver, Bue, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Derrenport, Dearing, Goodall, Hamilton, Hodsden, Jordan, Lenoir, Murry, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Rawlins, Roach, Richardson, Trice, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

So said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

The House then took up Senate's resolution, 31, directing the public printers to buy their paper of home manufacturers.

Which resolution was read at the clerk's table as follows:

Resolved, by the General Assembly of the State of Tennessee, That the public printer or printers be, and they are hereby instructed to purchase the paper for printing the laws and journals from manufacturers in this State, provided they can get it at the same price according to quality.

Which resolution was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, No. 22, by their clerk, Mr. Cooke :

MR. SPEAKER : The Senate have adopted a resolution directing to the President of the Tennessee and Memphis and La Grange Railroad companies, and calling on them for reports as required by certain resolutions of the General Assembly of the 5th January, 1842; in which the Senate ask the concurrence of the House.

The Senate have read a third time and passed,

A bill, No. 22, to secure to married women the use and enjoyment of their separate property.

In which bill they ask the concurrence of the House of Representatives.

Mr. Trimble presented the report, No. 5, of the Treasurer and Physician of the Tennessee Lunatic Asylum.

Ordered, That one thousand copies of said report and accompanying documents be printed for the use of this House.

The Senate then adjourned until 2 o'clock, this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Carson,

The House took up a bill, No. 58, to continue the encouragement of the culture of silk in the State of Tennessee.

Ordered, That he have leave to withdraw said bill for amendment.

Mr. Moores introduced,

A bill, No. 61, to establish a Chancery Court at Harrison, in the county of Hamilton, and to abolish the Chancery Court at Pikeville and Cleaveland.

Mr. Wann introduced,

A bill, No. 63, making it the duty of county justices to keep their offices in their respective county towns.

Mr. Gordon introduced,

A bill, No. 62, to vest in the county courts the power to restore certain persons to the rights of citizenship.

Which bills were severally read a first time and passed.

Mr. Black, who had withdrawn,

A bill, No. 27, to change the time of electing county officers, returned the same with an amendment thereto constituting the fourth, fifth, and sixth sections of said bill.

Mr. Richardson moved that said bill and amendment be indefinitely postponed.

Which was agreed to by the House.

So said bill was rejected.

Mr. Maury, from the Committee on Enrolments, to whom had been referred a bill, No. 18, to make uniform the attachment laws of this State;

A bill, No. 27, to incorporate the town of Tazewell, in the county of Claiborne; and

A bill, No. 31, to incorporate the inhabitants of the town of Dandridge, in the county of Jefferson, reported that said committee had had the same under consideration, and find the same to be correctly engrossed.

A message from the Senate, No. 33, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered bills from the House of Representatives of the following titles:

A bill, No. 22, to repeal the 4th section of an act to authorize the building of dams across Duck river of certain dimensions, passed Feb. 1812, chapter 137.

A bill, No. 16, to authorize the Sheriff of Sullivan county to appoint an additional deputy; and

A bill, No. 17, to incorporate the inhabitants of the town of Rome, in the county of Smith, and for other purposes.

Which bills they have severally read a third time and passed without amendment.

The Senate have also taken up and considered the bill from the House of Representatives entitled:

A bill to authorize the clerks of the Supreme Courts to furnish the

clerks of new counties in this State with the reports of the Supreme Court.

Which bills they have read a third time and passed with an amendment herewith transmitted, in which amendment they ask the concurrence of the House of Representatives.

The Senate have taken up and considered a bill from the House of Representatives entitled:

A bill, No. 25, to define the punishment of Sheriffs for not returning the results of elections.

Which bill they have rejected on its third reading.

The House took up Senate's amendment to House bill, No. 20, just transmitted from the Senate, which amendment proposes to strike out the words "or Secretary of State," in the first and second sections of the bill.

Which amendments was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Farquharson,

The House took up a bill, No. 36, to regulate the stay of executions upon judgments before justices of the peace.

Mr. Brooks moved that said bill be indefinitely postponed.

Mr. Eubank moved to lay said bill on the table.

Which motion was disagreed to by the House.

And the question being taken on the indefinite postponement of said bill, it was determined in the affirmative,

Yeas	39
Nays	32

The ayes and noes being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Eledsoe, Bond, Boddie, Brooks, Burrus, Carson, Cheatham, Chavland, Coggin, Crouch, Crudup, Deavenport, Dearing, Daggan, Eubank, Goodall, Hamilton, Hord, Houston, Humphreys, Kinney, Lauderdale, Leacrie, Maury, Milligan, Moores, Morris, Rawlings, Roach, Rodgers, Smart, Sherrill, Trice, Tyler, Walker of Wilkerson, Wheeler and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bobo, Bone, Cherry, Cross of Madison, Cross of Sullivan, Edwards, Farquharson, Fisher, Garner, Glenn, Goode, Hodsdon, Hughes, McGinnis, Miller of Hardeman, Miller of Marshall, Moorman, Morrow, Nave, Polk, Richardson, Scott, Trimble, Turner, Turney, Walker of Hickman, Wann, Williams, and Wyley.

So said bill was rejected.

On motion of Mr. Carson,

The House took up resolution, No. 68, directory to the Committee on Banks.

Mr. Richardson offered the following amendment: "and that the committee be instructed to inquire into the expediency of reducing the number of branches to two."

Which amendment was adopted.

Mr. Glenn offered the following amendment:

Resolved further, That they examine and report to this General Assembly what amount of the discounts of the Bank have been advanced to Democrats and what amount to Whigs.

Which amendment was accepted by Mr. Carson.

Mr. Polk moved to amend the amendment by adding thereto the following: "That said report embrace the whole period of the operation of the Bank from its first organization until the present time."

Mr. Boddie moved that said resolution, No. 68, together with all the amendments thereto, be laid on the table.

And the question being taken on agreeing to said motion, it was determined in the negative,

Yeas

6

Nays

64

The yeas and nays No. 71, being called for by Mr. Carson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bledsoe, Boddie, Maury, Miller of Hardeman, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Coggin, Cross of Sullivan, Crouch, Crudup, Dea enport, Dearing Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moors, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wan, Wheeler, Williams, and Wyley.

So said motion to lay on the table was rejected.

The House then adjourned.

WEDNESDAY, OCTOBER 25, 1843.

The House met pursuant to adjournment.

Mr. Cheatham, from the Committee on Banks, to whom had been referred,

A bill, No. 15, to repeal the act of 1842, chapter 2, authorizing the Banks to issue notes of the denomination of one dollar, and upwards; and

A bill, No. 32, for the relief of such persons as may have notes under discount, at the Bank of Tennessee, or any of its Branches, reported that said committee had had the same under consideration, and have instructed him to report bill, No. 15, without amendment, and to recommend its passage, and also to report bill, No. 32, and to recommend its rejection.

Mr. Boddie moved to fill the blank in bill, No. 15, to repeal the act

of 1842, chap. 2, authorising the banks to issue notes of the denomination of one dollar and upwards, with the 4th day of July, 1844."

Said bill was then read a second time and passed.

Mr. Boddie moved to lay bill No. 32, and report of the committee on the table.

Which was agreed to by the House.

Mr. Lenoir introduced

A bill, No. 64, to amend an act, passed 28th of December, 1837, for the benefit of widows, chap. 13.

Mr. Bond introduced

A bill, No. 65, to insure the punishment of slaves for capital offences.

Mr. Cleveland introduced

A bill, No. 66, to appoint commissioners for the Bean's Station Turnpike road, and for other purposes.

Mr. Coggin introduced

A bill, No. 67, to incorporate the inhabitants of the town of Smithville, in the county of DeKalb.

Mr. Goodall introduced,

A bill, No. 70, to establish a male academy in the county of Macon.

Which bills were severally read a first time and passed.

Mr. Hodsdon introduced,

A bill, No. 7, for the relief of James Berry and others.

Which bill was read a first time and passed

Ordered that it be referred to the Committee on Claims.

Mr. Roach introduced,

A bill, No. 83, to prevent suits from being established in certain cases a second time, upon the same evidences of debt.

Which was read a first time and passed.

Mr. Williams submitted resolution No. 70, as follows:

Resolved, That a committee of seven be appointed who shall inquire and report to the House of Representatives

1st. The amount of bonds issued by the State to works of Internal Improvement in each of the three grand divisions of the State under the acts of 1835-'36-'37 and '38.

2d. The amount that will be required yet to be issued to works of Internal Improvements in a state of progress but not completed

Resolved, That said committee (if they should find that such advances, liabilities, or subscriptions on the part of the State shall not have been apportioned among the three grand divisions of the State, according to the provisions of the acts authorising the subscription) shall report a bill founded upon principles of justice and in accordance with the provisions of the acts above alluded to for the purpose of effecting a final settlement of the claims of either of the divisions of the State.

Which was read and adopted.

Thereupon Mr. Speaker announced to the House the appointment of Messrs. Williams, Milligan, Anderson, Tyler, Walker, of Williamson, Avery, and Wyley, to compose said committee.

Mr. Alexander presented report, No. 6, of the assistant door keepers containing an alphabetical list of the members of the House of Rep

representatives, their residence, Post Office, and also a list of the officers of the House, residence, &c.

On motion of Mr. Hodsdon,

Ordered that one hundred and fifty copies of said report, be printed for the use of the House of Representatives.

Mr. Rodgers submitted the following resolution, No. 71, directory to the Committee of Ways and Means.

Resolved, That the Committee of Ways and Means, be instructed to inquire into the expediency of taxing, under the head of privileges, all the liberal professions, to wit: Lawyers, Doctors, Dentists, and Surgeons, and all the officeholders of the State, in some equitable manner, that the sum may create a fund for the payment of our State debt, and to avoid direct taxation, and that they report by bill or otherwise.

Which was read, and the 59th rule of the House, requiring resolutions to lie one day on the table, being suspended,

Said resolution was adopted.

Mr. Maury, from the Committee on Enrolled Bills, to whom had been referred bills of the following titles, to wit:

A bill, No. 12, to repeal the 4th section of an act, authorising the building dams across Duck River, of certain dimensions, passed Feb. 5th, 1842, chap. 137.

A bill, No. 16, to authorise the Sheriff of Sullivan county to appoint an additional deputy; and

A bill, No. 20, to authorise the Clerks of the Supreme Court to furnish the Clerks of new counties in this State with the reports of the Supreme Court, and had instructed him to report that the committee had had the same under consideration, and report the same as correctly enrolled.

Mr. Walker of Hickman introduced

A bill, No. 68, to repeal the 1st, 3rd, and 4th sections of an act, reorganizing the county courts.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Scott introduced

A bill, No. 69, more effectually to secure the common school funds.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Duggan introduced

A bill, No. 72, to authorise the County Courts, at their discretion to appoint the Sheriff or other person, collectors of State and county taxes.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee of Ways and Means.

Mr. Garner introduced

A bill, No. 73, for the relief of Joseph Newman, Sheriff of Franklin county.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Claims.

On motion of Mr. Milligan

The House took up a resolution, No. 62, submitted by him on the 19th inst., directory to the Committee on the Penitentiary, in relation to the mechanical labor of the convicts.

Mr. Rawlings moved that the preamble in said resolution be stricken out.

Which motion was disagreed to by the House.

Said resolution was then adopted.

On motion of Mr. Bledsoe,

The House took up a resolution, No. 52, directory to the Committee on the Judiciary, in relation to the law on motions.

Which resolution was adopted.

Mr. Sherrill submitted the following resolution, No. 72:

Whereas the item of State expenditures for criminal prosecutions, as stated in the report of the Comptroller, is \$58,750 92, and whereas the same item of county expenditures is probably a much larger sum, and whereas it is highly expedient to lessen the said expenditures, if consistent with the public good; therefore

Resolved, That the whole subject matter of costs of criminal prosecution, be referred to the Committee on the Judiciary, to examine into the subject, and ascertain the expediency and propriety of lessening said expenditures, whether the same be practicable, consistent with the administration of the criminal law, to what extent, and on what particular, and that report be made by bill or otherwise.

Which was read, and the 39th rule of the House being suspended, said resolution was adopted.

Mr. Lauderdale submitted resolution No. 58:

Resolved, That the Committee on the Judiciary are hereby instructed to inquire into the expediency of abolishing the Chancery Court at Kingston, and authorising the citizens of the county of Roane, to file their bills in the Chancery Court at Knoxville or Pikeville, in changing the time of holding the Chancery Court at Pikeville, so as not to be held at the same time with the Chancery Court at Kingston, and that they report by bill or otherwise, as early as practicable.

Mr. Lauderdale also submitted the following resolution, No. 74:

Resolved, That the Committee on Banks be instructed to inquire into the expediency of amending the charter of the Bank of Tennessee, so as to prevent more than five hundred or a thousand dollars being loaned at any one time, to any one individual, or to suffer any individual to be indebted to said Bank, or any of its Branches, for more than one thousand dollars, except by endorsements, provided that the amount of money in said Bank can be loaned to responsible individuals, in small amounts, and that they report by bill or otherwise, as early as practicable.

Which resolutions were severally read and laid on the table.

Mr. Miller of Hardeman submitted the following resolution, No. 75:

Resolved, That there be not more than one Chancery Court held in each judicial circuit, that the Circuit Courts have Chancery jurisdiction in all cases where the amount in litigation does not exceed five

hundred dollars, and all cases of insolvent estates, of which the Chancery Court now has jurisdiction.

Which was read and laid on the table.

Mr. Moores moved that the House take up

A preamble and resolution, No. 64, submitted by him on the 19th inst., directory to the Committee on the Judiciary, in relation to the subject connected with the salaries and pay of civil officers, and the reduction in the number of the Federal Circuits in this State.

Which motion was agreed to by the House.

Mr. Carson moved that the resolution be so amended as to except the election of an Attorney General for the 12th judicial circuit.

Which amendment was rejected.

Mr. Hodsden then moved that said third resolution be stricken out.

Which motion was disagreed to by the House.

Said resolutions were then read and adopted.

Mr. Glenn introduced

A bill, No. 74, to incorporate the town of Randolph, in the county of Tipton.

Which bill was read a first time and passed.

Mr. Polk introduced

A bill, No. 76, for the relief of convicts in the Penitentiary.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Penitentiary.

Mr. Coggin introduced

A bill, No. 77, to repeal an act abolishing Spring musters.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Military Affairs.

Mr. Morris introduced

A bill, No. 78, to repeal an act, passed Feb. 3d, 1842, imposing certain duties on overseers of the road.

Which bill was read a first time and passed.

Mr. Farquharson submitted a resolution, No. 76:

Resolved by the General Assembly of the State of Tennessee, That the superintendent of Public Instruction be, and he is hereby directed to examine and correct an error in the distribution of the school fund of the State of Tennessee, for the year 1842, and if an error shall appear upon examination in the number of scholastic population, or in the amount of money distributed to Lincoln county, for that year, then the Superintendent shall pay over to the county Trustee of said county, the amount found to be deficient in the former distribution, out of the moneys to be distributed at the first annual apportionment to the several counties of the State.

Which was read and laid on the table.

On motion of Mr. Carson,

The House took up a resolution, No. 68, submitted by him on the 19th inst. directory to the Committee on Banks.

After discussion on said resolution, Mr. Rodgers moved that said resolution be laid on the table.

And the question being taken on agreeing to said motion, it was determined in the negative,

Yeas	27
Nays	45

The yeas and nays being called for by Mr. Carson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Burrus, Crouch, Deavenport, Dearing, Fisher, Hord, Houston, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Morrow, Rodgers, Smart, Turner, Tyler, Walker of Hickman, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Duggan, Edwards, Eubank, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Huddleston, Hughes, Humphreys, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Rawlings, Richardson, Roach, Scott, Sherrill, Trice, Trimble, Trott, Turney, Wan, Wheeler, Williams, and Wyley.

So said motion to lay on the table was rejected.

The amendment offered by Mr. Polk on yesterday, was then taken up by the House and considered.

And the question being taken on agreeing to said amendment, it was determined in the affirmative.

Yeas	55
Nays	14

The yeas and nays being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Carson, Cherry, Cheatham, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Edwards, Duggan, Fairquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, Lenoir, Maury, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Wan, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Bone, Burrus, Cleveland, Goode, Hodsdon, Humphreys, Jourdan, Miller of Hardeman, Trice, Trimble, Tyler, Walker of Williamson, and Wheeler.

So said amendment was adopted.

Mr. Barringer then moved to amend said resolution, by striking out the whole of the last resolution, being the amendment offered on yesterday, by Mr. Glenn, and accepted by Mr. Carson, and the amendment offered by Mr. Polk on yesterday, and adopted on this day.

Which motion to strike out was disagreed to by the House.

Said resolution was thereupon adopted.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up resolution No. 35, in relation to the amendment of the Constitution of the State of Tennessee, so that Bledsoe and Marion counties shall come under the general provision in forming new counties.

Which resolution the Senate have read a third time and passed, and the same is herewith transmitted to the House of Representatives, and their concurrence therein is requested.

The Senate have taken up and considered the resolution of the House No. 69, proposing to recommit to the joint select committee on public printing, together with the bid of Messrs. W. L. Barry & Co., with instructions, &c., and have concurred therein with an amendment thereto herewith transmitted, in which amendment they ask the concurrence of the House.

The Senate have passed on the third and last reading

A bill, No. 25, to divide the academy funds of Corroll academy in the county of Warren, between said academy and the Edmondson Female academy, in said county, which is herewith transmitted to the House of Representatives, and their concurrence in the same requested.

The Senate have adopted a resolution, No. 43, proposing to elect an Attorney General for the twelfth judicial circuit, on Saturday, the 28th inst.; which resolution is herewith transmitted and the concurrence of the House therein requested.

On motion of Mr. Rodgers,

The House took up Senate's resolution, No. 48, proposing to elect an Attorney General for the 12th judicial circuit, on Saturday, the 28th instant.

Which resolution was read as follows:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the hall of the latter, on Saturday, the 28th of October, 1843, at 10 o'clock, A. M., for the purpose of electing an Attorney General for the 12th judicial circuit to fill the vacancy occasioned by the expiration of the term of the present Attorney General.

Which resolution was concurred in by the House.

The House took up

A bill, from the Senate, No. 25, to divide the academy fund of Corroll academy, in the county of Warren, between said academy and the Edmondson female academy, in said county.

Which bill was read a first time and passed.

The House took up a resolution from the Senate, No. 21, directory to the President and Directors of the Hiwassee and Memphis and Lagrange railroad companies, and calling on them for reports as required by certain resolutions of the General Assembly of the 5th of January, 1842.

Which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the Hiwassee railroad company, and the President and Directors of the Memphis and Lagrange railroad com-

pany be, and they are hereby requested and required forthwith to make reports to this General Assembly in conformity with the requirements and directions of the resolves of the General Assembly, passed on the 5th day of January, 1842, and also to report the reasons why said reports were not made to the late extra session, as required by said resolves.

Which resolution was concurred in by the House.

Ordered, That the clerk acquaint the Senate therewith.

The House took up a resolution from the Senate, No. 43, in relation to the donation of the sword of the late Gen. John Sevier, &c.

Which was read at the clerk's table as follows:

Whereas, George W. Sevier, the legal heir and representative of the late Gen. John Sevier, has through the Speaker of the Senate, tendered as a donation to the State of Tennessee, the sword that was presented to that distinguished citizen of Tennessee, by the State of N. Carolina, as a mark of honor and an evidence of gratitude for his gallant behaviour at the battle of Kings mountain.

Thereupon be it resolved by the General Assembly of the State of Tennessee, that the Speaker of the Senate shall at any time when the two Houses of the Assembly are met for any purpose, in convention, receive said sword from said George W. Sevier, to be deposited for safe keeping in the office of the Secretary of State and that said Speaker do then and there make an expression of thanks of this General Assembly to said George W. Sevier, for the liberality and patriotism which he manifests by seeking to place an important memento of the early history of Tennessee in the possession of the Representatives of the people of Tennessee, for purposes of honorable promotion and disposition.

The following communication from Col. George W. Sevier, transmitted from the Senate to this House, was thereupon read at the clerk's table, as follows:

J. M. ANDERSON, *Speaker of the Senate*:

Sir: I have in my possession the sword presented by the State of N. Carolina, to my late father, Gen. John Sevier, for his gallantry at the battle of Kings Mountain, on the 7th October, 1780 and although this is highly estimated by the descendants of John Sevier, yet they believe it would be as highly esteemed and as carefully preserved by the State. Permit me, therefore, to present it through you, to the State of Tennessee, presuming your honorable body will adopt suitable means for its safe keeping and preservation.

I have the honor. &c.,

GEORGE W. SEVIER.

• Nashville, Oct. 17th, 1843.

Thereupon the Senate's resolution, No. 43, was concurred in by the House.

Ordered, That the clerk acquaint the Senate therewith.

The House took up

A bill from the Senate, No. 26, to repeal the act of 1833, chap. 64, in reference to colonization.

Which was read a first time in this House and passed.

The House took up a resolution, from the Senate, No. 35, in relation to the amendment of the constitution of the State of Tennessee, so that Bledsoe and Marion counties shall come under the general provisions in forming new counties.

Which was read; and

On motion of Mr. Milligan,

Was ordered to be laid on the table.

The House took up

A bill from the Senate, No. 22, to secure to married women the use and enjoyment of their separate property.

Which bill was read a first time and passed.

On motion of Mr. Boddie,

Ordered, That one hundred and twenty-five copies of the same be printed for the use of this House.

On motion of Mr. Carson,

The House took up

A bill, No. 32, to repeal the fourth section of the act of 1817, chap. 65.

On motion of Mr. Walker of Williamson,

Said bill was laid on the table.

On motion of Mr. Polk,

The House took up the amendment of the Senate to a resolution of the House, No. 69, proposing to recommit the report of the joint select committee of the two Houses on public printing, together with the bid of Messrs. W. L. Barry, & Co., with instructions to report on to-morrow morning, ten o'clock, which amendment of the Senate proposes to strike out "to-morrow, 10 o'clock, A. M."

Which amendment was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up

A bill, No. 47, to repeal the 3d section of the act of 1817, chap. 77.

Mr. Trott moved to strike out in the latter clause of the 2d section "seventy-five cents," and insert in lieu thereof, "one dollar," to the notary public.

Which amendment was agreed to by the House.

The bill was then read a third time as amended.

And the question being taken on the passage of said bill on its second reading, was determined in the affirmative.

Yeas

54

Nays

18

The yeas and nays being called for by Mr. Coggin and ordered by the House,

Those who voted in the affirmative are;

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross et Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Farquharson, Garner, Goodall, Hamilton, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Morris, Morrow, Marr, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney,

Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Baringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Burrus, Cheatham, Fisher, Glenn, Gooden, Hodsden, Hord, Maury, Miller of Hardeman, Moores, Polk, Trimble, Tyler, Walker of Williamson, and Williams.

So said bill passed on its second reading in this House,
When the House adjourned.

THURSDAY, OCTOBER 26th, 1843.

The House met pursuant to adjournment.

Mr. Bobo presented a petition, No. 34, from Joshua Jones and other citizens of Coffee county, praying Legislative relief for the said Joshua Jones.

Which was read and laid on the table.

Mr. Trimble presented a petition, No. 35, from one hundred and seventy five petitioners from the county of Davidson, praying the continuation of Legislative encouragement on the culture of silk.

Which petition was read, and ordered to be referred to the Committee on Agriculture and Manufactures.

Mr. Alexander presented a petition, No. 36, from Hugh McCollin of the county of Shelby, praying for Legislative relief.

Which was read, and ordered to be referred to the Committee on Claims.

Mr. Cheatham, from the Committee on Banks, presented the following report:

The Committee on Banks, to which was referred certain parts of the Governor's message, and sundry resolutions in relation to the Bank of Tennessee and its Branches, have had the same under consideration, and a majority of said committee have directed us to report the following resolutions, and respectively ask their adoption.

WILLIAM CULLOM, *Chairman*

of Senate Committee.

RICHARD CHEATHAM, *Chairman*

of House Committee.

Said resolutions were read at the clerk's table as follows:

1st. *Resolved by the General Assembly of the State of Tennessee,*
That the Presidents, Directors, Cashiers, Clerks, and officers of the Bank of Tennessee and each Branch thereof be, and they are hereby requested forthwith or as early as practicable, to report upon oath to the present General Assembly now in session respectively, and particularly, as to the following particulars, to-wit:

1st. The sum total of Gold and Silver in their vaults, the quantity of each, the amount of circulation, the amount of notes upon other Banks, their value when received, and at this time.

2nd. Sum total or amount of notes or bills under discount and on hand.

3d. Amount of suspended debt.

4th. Table or schedule of notes and bills under discount, with the amounts, dates, name or names of the maker or drawers, names of each endorser respectively, original of the same date, number of renewals, and the various changes up to the present time, and the characters of each such notes or bills, whether good, doubtful, or bad.

5th. Table or schedule of notes and bills of suspended debt, the name or names of the maker or drawer, the names of the endorsers thereon respectively, original of the same date, and number of renewals, and the various changes up to the present time, with the character and quality of each of such note or bill of the suspended debt, whether good, doubtful or bad, if in suit, when placed in suit, in whose hands for collection as attorney, if in judgment, when obtained, have executions issued, if so when, whether held or not, if so at whose instance, what returns have been made upon the same.

6th. What lands or other property have been received in payment of debts due said Bank and Branches, when received, from whom, why received, value at which taken, present value, description of personal property, value at which taken and present value, the amount of expenditures in the way of improvement and otherwise.

2d. *Resolved further*, That a precisely similar report of particulars be made, and the same is hereby required to be made out on oath and reported to this General Assembly now in session, by the successors in office of the present Presidents, Cashiers, and Directors of the said Bank and its Branches, in order that the two reports may be compared, and the true condition of the said Bank and Branches may be ascertained.

Mr. Hodsdon moved to amend the said resolution reported by the committee, by striking out the whole of the second resolution, and inserting in lieu thereof the following resolution:

2d. *Resolved*, That three commissioners be appointed by the Governor and approved by the General Assembly, said commissioners to be selected within the limits of each Branch Bank District respectively, whose duty it shall be to co operate with the President, Cashier, and Directors, of the Branches in the investigation proposed in the first resolution, and that they report to this General Assembly, concurring or non-concurring with the officers of the Bank as the case may be, at as early a day as practicable.

On motion of Mr. Polk,

Said amendment offered by Mr. Hodsdon was amended so as to require said commissioners to act on oath.

Mr. Carson moved to amend the amendment offered by Mr. Hodsdon by striking out the same, and inserting the following in lieu thereof:

Resolved, That a committee of three members of this General Assembly, one on the part of the Senate and two on the part of the House of Representatives, be appointed from each division of the State, to visit the principal Bank and Branches in making the proposed investigation, and report thereon to this General Assembly.

Which amendment was rejected.

The amendment offered by Mr. Hodsden was thereupon adopted.

Mr. Bond offered the following amendment as an additional resolution.

3d. *Resolved*, That when there shall be a disagreement among the officers and directors of the Bank and Branches, or among the commissioners, the individual or individuals so disagreeing are hereby requested to prepare and transmit to the General Assembly a separate report, in such point or points of disagreement together with such other matter as they may deem of importance to be known by this General Assembly, and the people of the State.

Mr. Polk moved to amend the amendment by adding thereto the following proviso:

Provided, That notice of such disagreement and separate report be given by the persons disagreeing to the opposite side.

Said amendment offered by Mr. Polk was accepted by Mr. Bond.

Thereupon said amendment as amended was adopted.

Mr. Bond moved further to amend said report by adding thereto the following amendment, constituting the fourth resolution:

4th. *Resolved further*, That said commissioners and directors and officers shall have full power and authority to send for persons and papers, and to examine on oath, all persons called to attend the investigation of commissioners, &c., and such persons so attending shall receive the compensation of witnesses as now allowed by law.

Which amendment was adopted.

The resolution reported by the committee as amended by the House, was thereupon concurred in.

Ordered that the clerk acquaint the Senate therewith.

Mr. Gordon, from the Committee on New Counties and County Lines, to whom had been referred, a petition, No. 14, from sundry citizens of Williamson county, praying to be attached to the county of Rutherford,

Reported that the committee had had the same under consideration, and had instructed him to report,

That the prayer of the petitioners is reasonable, and ought to be granted, and had also instructed him to report.

A bill, No. 79, to annex a portion of the South East corner of Williamson county, to the county of Rutherford.

And to recommend the passage thereof.

Said bill was then read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and read the petition No. 10, of Smeritt Brake and others praying the Legislature to restore him to the rights of citizenship, which was transmitted from the House which petition they have ordered to be transmitted to the House, and the same is herewith transmitted accordingly.

The Speaker of the Senate has signed enrolled bills from the House of the following titles, to wit:

An act to authorise the clerks of the Supreme court to furnish clerks of new counties in this State with the reports of the Supreme courts.

An act to repeal the fourth section of an act to authorise the building of dams across Duck river of certain dimensions, passed 5th February, 1842, chap. 137.

An act to authorise the sheriff of Sullivan county to appoint an additional deputy.

Ordered that the clerk of this House deposite the said enrolled bills in the office of the Secretary of State.

Mr. Alexander, from the Committee on Public Lands, to which had been referred a petition, No. 23, of Thomas Maxwell, praying for legislative relief, reported that the committee had the same under consideration and had instructed him to report that the prayer of the petitioner is reasonable and ought to be granted; and also instructed him to report,

A bill, No. 80, for the relief of the heirs of Thomas Maxwell, deceased, of Blount county, and to recommend the passage thereof.

Said bill was then read a first time and passed.

Mr. Miller, from the Committee on the Judiciary, to whom had been referred,

A bill, No. 50, to provide for the appointment of coroners, and to amend and explain the act of 1807, chap. 101, section 13, reported that said committee had had the same under consideration and had instructed him to report the following amendments:

Strike out in the 7th section the words "and when the same has not been or may not hereafter become," and insert in lieu thereof the words "and when the same shall not have been done;" and also to add an additional section, and with said amendments to recommend its passage.

Said amendments were concurred in by the House.

Said bill was thereupon ordered to take its place on the calendar.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 51, to suppress the execution of bills single and promissory notes for gambling considerations, reported that said committee had had the same under consideration and had instructed him to report the bill without amendment and recommend its rejection.

On motion of Mr. Farquharson,

Said report of the committee was laid on the table, and leave was granted him to withdraw the bill for amendment.

Mr. Hamilton, from the Committee on Elections, to which had been referred,

A bill, No. 14, to define and make certain the laws now in force on the subject of elections, reported that said committee had had the same under consideration, and instructed him to report the same without amendment and recommend its rejection.

Which report was concurred in by the House.

So said bill was rejected.

Mr. Crutup submitted the following resolution, No. 77:

Whereas, By the act passed the 11th day of January, 1842, chap. 34, section 4 and 24, provisions are made for certain allowances to the entry takers and surveyors south and west of the Congressional and reservation line for surveys to be performed by them as by said act di-

rected; and whereas in the county of Perry there are two entry takers and two surveyors, one on either side of the Tennessee river; and whereas, doubts have arisen in the mind of the Comptroller as to the proper construction of said act preventing the payment of the allowances made by said act for services rendered by them; Therefore

Resolved, That so much of the Comptroller's report as relates to the subject be referred to the Judiciary Committee; that said committee take into consideration the propriety of amending and explaining said act in such manner as to authorize allowances to be made by the Comptroller to said entry takers and surveyors of Perry county for services performed by them under said act, and that said committee report by bill or otherwise.

Which preamble and resolution was read, and the 59th rule of the House being suspended, said resolution was adopted.

Mr. Rodgers introduced,

A bill, No. 18, to change the method of renewing notes in the Bank of Tennessee and Branches.

Which was read a first time and passed

Ordered that said bill be referred to the Committee on Banks.

Mr. Hodsdon moved the reconsideration of the vote of the House on printing 125 copies of the report, No. 26, of a assistant door keeper of the House, and that five hundred copies of the same be printed.

Which was agreed to by the House

Ordered that 500 copies of said report be printed for the use of the House.

The House then adjourned until 2½ o'clock.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Scott introduced,

A bill, No. 82, to refund to Sheriffs revenue improperly paid by them.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Claims.

Mr. Richardson introduced,

A bill, No. 83, ordering criminals for criminal offences to be executed within the enclosure of the prison house.

Mr. Wann introduced,

A bill, No. 84, to protect and preserve the good morals of the people.

Mr. Moores introduced,

A bill, No. 85, to collect damages on school lands.

Which bills were severally read a first time and passed.

Mr. Farquharson, who had withdrawn a bill, No. 51, to suppress the execution and receiving of bills single and promissory notes for gambling considerations, returned the same with an amendment thereto from the enacting clause, and changing the title of said bill so as to read

A bill to prevent frauds in the negotiation of notes."

Which amendment was adopted.

Said bill as amended was then read a second time and passed.

Mr. Rodgers introduced,

A bill, No. 86, to reduce the number of the terms of the circuit courts of this State.

Which was read a first time and passed.

Mr. Gordon submitted the following resolution, No. 78:

Resolved by the General Assembly of the State of Tennessee, That the Resolution of the Senate, No. 48, on the subject of electing an Attorney General for the 12th Judicial circuit, on the 28th inst., and concurred in by this House on yesterday be and the same is hereby rescinded, and that the said election shall take place on the 17th November next.

Which resolution was read, and the 39th rule being suspended said resolution was adopted.

Ordered that the clerk acquaint the House therewith.

The House took up,

A bill from the Senate, No. 24, to exempt from execution five head of sheep in the contingencies specified on this act.

Mr. Farquharson moved to strike out the proviso to the first section withholding the benefit of this act from all persons who own more than one dog, and to insert in lieu thereof an amendment providing for the exemption from execution of one million of silk worms and the necessary fixtures and apparatus for rearing them.

A division of the question being called for by Mr. Edwards,

The question was then taken on striking out as moved by Mr. Farquharson, and was determined in the negative,

Yeas

24.

Nays

48.

The yeas and nays being called by Mr. Farquharson, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bond, Bone, Cherry, Cleveland, Coggin, Cross of Sullivan, Crudup, Dearing, Edwards, Enbank, Farquharson, Goode, Humphreys, Jourdan, Moores, Polk, Richardson, Scott, Trimble, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Alexander, Bobo, Boddie, Brooks, Burrus, Carson, Chestnut, Cross of Madison, Crouch, Duggan, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hadden, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, Marr, Maury, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Smart, Trice, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to strike out the proviso to the first section of the bill.

Mr. Speaker Barringer, Mr. Walker of Williamson in the chair, then moved to amend the bill by adding thereto the following amendment to the second section of the bill:

Sec. 2. Be it further enacted, That upon the issuance of execution founded upon judgment in contracts entered into after the first day of January next, there shall be exempt from such execution in the possession of the debtor, fifteen head of hogs, ten bushels of wheat, one loom and geer, one table, six chairs, and all the geese, ducks and other poultry; and where the family consists of six or more persons one bed and furniture in addition to what is now allowed by law.

Mr. Cherry offered the following proviso, which was accepted by Mr. Barringer:

"Provided, That nothing herein contained shall be so construed as to exempt any property reserved from the executions of this or any other act of the Legislature from the payment of the State and county taxes."

And the question being taken on agreeing to said amendment it was determined in the affirmative,

Yeas

54

Nays

16

The yeas and noes being called for by Mr. Crudup, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Bond, Boddie, Brooks, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Humphreys, Jourdon, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Marshall, Milligan, Morris, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bone, Cason, Cleaveland, Farquharson, Goodall, Hodsden, Hughes, McGinnis, Miller of Hardeman, Moores, Morrow, Nave, Trimble, Wheeler, and Williams.

So said amendment was adopted.

Mr. Nave offered to amend the amendment with the following proviso:

Provided, That the provisions of this act and all former acts on this subject shall be deemed and taken to apply to all persons that have attained the age of twenty one.

Which amendment was rejected.

Mr. Cross of Madison moved to amend the first section of said bill by adding thereto the following amendment:

"And that every head of a family shall have, if they have so much as ten acres of land, twenty head of sheep and twenty head of hogs exempt from execution.

Which amendment was rejected.

And pending the discussion on said bill,

The House adjourned.

FRIDAY, OCTOBER 27th, 1843.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cocke, their clerk :

MR. SPEAKER : The Senate have read a third time and passed a bill, No. 42, to provide for the payment of freight and storage and other necessary charges on books and documents transmitted from other States and territories to the executive of Tennessee, and ask the concurrence of the House of Representatives therein

They have also taken up and passed on its third and last reading without amendment, a bill from the House, No. 31, to incorporate the inhabitants of the town of Pandridge, in the county of Jefferson.

Mr. Milligan presented a petition, No. 37, from sundry citizens of the county of Green, praying an act to extend the corporate limits of the town of Greenville.

Which was read and laid on the table.

Mr. Goode presented memorials, No. 38 and 39, from sundry citizens of the county of Giles, praying a diversion of the Penitentiary labor so as not to prejudice the mechanic interest.

Which was read and ordered to be transmitted to the Senate.

On motion of Mr. Burrus,

The House gave leave of absence to Mr. Richardson and Mr. Trott, on account of severe indisposition.

Mr. Morrow, from the Committee on Claims, to which had been referred the petition, No. 15, of Burrel Birdwell, praying the General Assembly to pass an act granting him pay for medical attendance on one Eliza Russel, a prisoner in the jail of Sevier county; also the petition, No. 25, of Eleazer Ellis, deputy sheriff of Sevier county, praying for legislative relief, reported the committee had had the same under consideration and had instructed him to report that their prayer is unreasonable and should not be granted, and ask the concurrence of the House in said report.

And on motion of Mr. Duggan,

The report of the committee was laid on the table.

Mr. Morrow, from the Committee on Claims, to which had been referred a bill, No. 73, for the relief of Joseph Nweman, Sheriff of Frank-
lin county, reported that the committee had had the same under consideration and had instructed him to report the same without amendment and to recommend its passage.

Which report was laid on the table, and said bill was thereupon ordered to take its place on the calendar.

Mr. Cleaveland introduced

A bill, No. 87, to improve the condition of common schools in the State of Tennessee.

Mr. Wann introduced

A bill, No. 88, to explain the duties of common school commissioners in certain cases.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on Education and Common Schools.

The House then took up

Senate's bill, No. 24, to exempt from execution, five head of sheep, on the contingencies specified in that act.

Which bill was under consideration when the House adjourned on yesterday evening.

Mr. Miller of Marshall proposed to amend the Senate's bill by adding after the word "sheep," in the first section, the words "and their fleece."

Which amendment was adopted.

Mr. Crudup moved to amend the bill by striking out "five" and inserting in lieu thereof the word "fifteen," as the number of sheep to be exempted from execution.

Mr. Black moved a division of the question.

Whereupon the question was first taken on striking out as moved by M. Crudup, and was determined in the negative.

So the House refused to strike out "five" in the first section.

Mr. Glenn then moved a reconsideration of the vote of the House, on yesterday, rejecting the amendment offered by Mr. Cross.

And the question being taken on said motion to reconsider, it was determined in the negative.

Yeas,

29.

Nays,

40.

The yeas and nays, No. 77, being called for by Mr. Cross of Madison, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Aver, Bond, Bone, Burrus, Cherry, Cross of Madison, Deavenport, Fairquharson, Glenn, Goodall, Goode, Gordon, Hod-den, Huddleston, Hughes, Humphreys, Jourdon, McGinnis, Miller of Marshall, Poik, Rawlings, Sherrill, Trimble, Walker of Hickman, Walker of Williamson, Wann, and Wyly.

Those who voted in the negative are,

Messrs. Black, Bled-ee, Bobo, Boddie, Carson Cheatham, Cleaveland, Coggins, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Hamilton, Hord, Houston, Kinney, Lauderdale, Lenoir, Milligan, Moores, Maury, Morris, Morrow, Nave, Reach, Rodgers, Scott, Tree Smart, Turner, Turney, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

So said motion to reconsider was disagreed to by the House.

Mr. Bone offered the following amendment as an additional section to said Senate's bill, No. 24, section 3d, "and be it further enacted, that it shall not be lawful for the said head of the family to sell or otherwise dispose of the articles aforesaid without the knowledge and consent of the wife."

Which amendment was adopted.

Mr. Crudup offered the following amendment as an additional section to said bill, "be it further enacted, that the county of Perry shall not come under the provisions of the 1st section of said act, so far as the dog and sheep clause is concerned."

On motion of Mr. Gordon,

and meat was laid on the table.

Mr. Brooks moved to amend the proviso, by striking out the word "act," and insert in lieu thereof "section."

Which was agreed to by the House.

The bill was then read, as amended, a second time and passed.

Mr. Poik submitted the following resolution, No. 79.

Resolved by the General Assembly of the State of Tennessee, That the Committee on Banks are hereby instructed to inquire whether or not it would be to the interest of the Bank of Tennessee, to make a compromise with the securities of E. W. Dale, late Cashier of the Branch Bank of Tennessee at Columbia, in relation to the judgment against them, in the Maury Circuit Court, and that said committee ascertain the best terms on which a compromise can be made, and that they report by bill or otherwise.

Which was read and laid on the table.

Mr. Cross of Madison introduced

A bill, No. 89, to repeal all laws or parts of laws paying magistrates, or as they are sometimes called, "justices of the peace."

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Milligan introduced

A bill, No. 70, to extend the corporate limits of the town of Greenville, in the county of Greene.

Which bill was read a first time and passed.

Mr. Maury, from the Committee on Enrolled Bills, to whom had been referred the following bills:

A bill, No. 17, to incorporate the inhabitants of the town of Rome, in the county of Smith; and for other purposes; and had instructed him to report that the committee had had the same under consideration, and report said bill as correctly engrossed.

Mr. Fisher submitted the following resolution, No. 80:

Whereas great inconvenience frequently arises from the necessary transfer of papers and business, from one Constable to another, on going out of office, under the law as it now exists, therefore

Resolved by the General Assembly of the State of Tennessee, That the further time of 9 months, be given to constables to wind up their business, which may have come into their hands, and for which they are bound, and that the Committee on the Judiciary take the same under consideration, and report by bill or otherwise.

Which was read, and the 39th rule of the House being suspended, was adopted.

Mr. Deering introduced

A bill, No. 91, to repeal the 1st section of an act, passed Dec. 1st, 1827.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Lenoir introduced

A bill, No. 92, to amend an act, passed 12th of Jan. 1842, chap. 67, to amend the common school law, and for other purposes.

Filed

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Bone introduced

A bill, No. 93, to restore John B. Howard to the rights of citizenship.

Which was read a first time and passed.

On motion of Mr. Coggin,

The House give leave of absence to Mr. Gordon, until Tuesday next.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a Resolution, No. 57, appointing E. G. Eastman, and L. Gifford, public printers, in which resolution they ask the concurrence of the House of Representatives, and the same is herewith transmitted, together with the additional report of the joint select committee, accompanied with proposals from James C. Moses, Wm. Scott Haynes, and also E. G. Eastman and L. Gifford.

They have taken up and considered the resolution of the House No. 78, proposing to rescind the joint resolution adopted by both Houses to go into the election of Attorney General for the 12th judicial circuit, on the 28th inst., in which resolution the Senate concurred with an amendment thereto, herewith transmitted, in which amendment they ask the concurrence of the House.

The Speaker of the Senate has signed an enrolled bill from the House entitled:

An act to incorporate the town of Rome, in the county of Smith, and for other purposes.

Which enrolled bill is herewith transmitted.

Ordered that the clerk of the House deposit said enrolled bill in the office of the Secretary of State.

The House took up

A bill, from the Senate, No. 25, to divide the Academy fund of Carroll Academy, in the county of Warren, between said Academy and Edmondson Female Academy, in said county.

The House also took up

A bill from the Senate, No. 36, to repeal the act of 1833, chapter in reference to colonization.

Which bills were severally read a second time and passed.

On motion of Mr. Black,

The House took up Senate Resolution, No. 57, appointing E. G. Eastman and L. Gifford, public printers.

Which resolution was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee,
E. G. Eastman and L. Gifford, who are the lowest bidders for the public printing, according to the report of the joint select committee on that subject, be, and they are hereby appointed public printers of the journals and acts of the General Assembly, and reports of the decisions of the Supreme Court, provided that before entering upon the duties of said appointment, and before the public printing is committed to them, they shall enter into bond and security, according to law.

execute the said printing according to the terms of the said bid, as reported by said committee.

Mr. Hodsdon moved the report of the joint select committee on public printing, which had been transmitted from the Senate, and is as follows:

The committee, to whom was referred the various bids for printing the laws and journals of the present General Assembly, and the decisions of the Supreme Court, have had the same under consideration, and beg leave to report that the proposals of L. Gifford and E. G. Eastman, to do the public work at 29 cents per 1000 ems, plain work, and 29 cents per token for press work, with the addition of 100 per cent. for rule and figure work, paper at cost, with 10 per cent. added for wastage, is the lowest bid referred or submitted to your committee.

All of which is respectfully submitted.

ROBERT W. POWELL, Chairman
of the committee on the part of the Senate.

JOEL WALKER, Chairman
of the committee on the part of the House.

Mr. Maury moved to strike out all of the Senate's resolution after the word "Resolved," &c., and insert in lieu thereof the following amendment.

"That Hogan and Cameron, of Franklin, being the lowest bidders of those who put in sealed proposals, for the printing of the laws and journals of the General Assembly, and the reports of the decisions of the Supreme Court be, and they are hereby declared to be public printers of the same for the General Assembly, subject to the conditions imposed by the act of 1835, chap. 69."

Mr. Farquharson moved to amend the Senate's resolution, No. 57, by adding thereto the following additional proviso:

And provided further, That specimens of the paper and printing shall be exhibited to the Secretary of State, according to law, of a quality equal or superior to the acts and journals of the last General Assembly.

Mr. Bond moved that Senate's resolution and amendment be laid on the table.

Which motion was agreed to by the House.

On motion of Mr. Brooks,

The House then adjourned until half past 2 o'clock, vthis afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Carson, who had withdrawn on yesterday

A bill, No. 58, to continue the encouragement of the culture of silk in the State of Tennessee,

Returned the same, with an amendment in lieu of the whole bill.

Which bill and amendment was ordered to be laid on the table:

Mr. Rawlings moved to take up

Senate's resolution, No. 57, appointing E. G. Eastman and L. Gifford, public printers.

Which motion was disagreed to by the House

The House took up

A bill, No. 13, to alter the mode of selecting jurors.

Mr. Coggin moved to strike out the 1st sec. of said bill.

Which motion was agreed to by the House.

Said bill was then read as amended, a second time, and rejected.

The House took up bills of the following titles:

A bill, No. 41, to reduce the expenses of the State.

A bill, No. 43, for the benefit of John H. Carmichael and Benjamin Rains.

A bill, No. 62, to vest in the Circuit Courts, the power to restore certain persons to the rights of citizenship.

A bill, No. 64, to amend an act, passed 28th December, 1837, chap. 13, for the benefit of widows.

A bill, No. 67, to incorporate the inhabitants of the Town of Smithville, in the county of DeKalb.

A bill, No. 70, to establish a male Academy in the county of Macon.

A bill, No. 71, for the relief of James Berry, and others.

Which bills were severally read a second time and passed.

The House took up

A bill, No. 43, to authorize the Judges of the Circuit Courts in this State, to appoint a Sheriff in certain cases.

And on leave of the House, was withdrawn by Mr. Kinney, for amendment.

The House took up

A bill, No. 44, for the purpose of placing all executions on equal terms.

Mr. Black got leave of the House to withdraw the same for amendment.

The House took up

A bill, No. 48, to amend the revised laws of this State.

Which was read a second time and rejected.

The House took up

A bill, No. 50, to provide for the appointment of coronors and to amend and explain the act of 1779, chap. 5, section 2d and 3d, and the act of 1807, chap. 104, section 13.

Mr. Nave moved to amend said bill by striking out all of the fourth section after the word "law," in the 5th line, and all of the 5th section.

Mr. Morrow moved to lay said bill and amendments on the table.

Which motion was agreed to by the House.

The House took up

A bill, No. 47, to repeal the third section of the act of 1817, chap. 77.

The bill was then read a third time.

And the question being taken, shall the bill pass, was determined in the affirmative.

Yeas
Nays

58
12

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cherry, Cheatham, Cross of Madison, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Farquharson, Garner, Glenn, Goode, Goodall, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdon, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Morrow, Nave, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Turner, Turney, Walker of Hickman, Wan, Wheeler, Wyley, and Mr. Speaker Garringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Cheatham, Fisher, Hartsden, Maury, Morris, Trimble, Tyler, Walker of Williamson, and Williams.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House then adjourned.

SATURDAY, OCTOBER 28th, 1843.

The House met pursuant to adjournment.

Mr. Fisher presented a petition, No. 38, from the President and directors of the Lagrange and Memphis railroad company, praying the Legislature to pass an act granting further time for the completion of said road.

Which was read and referred to the Committee on Internal Improvements.

Mr. Morrow, from the Committee on Claims, to which had been referred the petition of Thomas McCallie and John Hoyal, praying Legislative relief, reported that the Committee had had the same under consideration, and had instructed him to report,

A bill, No. 94, to amend an act entitled "an act to refund to John Hoyal and Thomas McCallie, the consideration money paid by them in making entry No. 51, in the Ocoee District," passed Feb. 5th, 1842, chap. 125, and to recommend its passage.

Which bill was read a first time and passed.

The House took up Senate's amendment to House resolution, No. 78, proposing to rescind a joint resolution adopted by both Houses, to go into the election of Attorney General for the 12th judicial circuit, on the 28th inst., which amendment proposes to strike out the "17th" and insert the "7th November."

Which amendment was concurred in by the House.

Ordered, That the clerk acquaint the Senate therewith.

The House took up

Senate's bill, No. 42, to provide for the payment of freight and storage and other necessary charges on books and documents transmitted from other States and territories to the executive of Tennessee.

Which was read a first time and passed.

On motion of Mr. Polk,

The House took up a resolution, No. 79, directory to the Committee on Banks, proposing a compromise with the securities of E. W. Dale, late Cashier of the Branch Bank of Tennessee, at Columbia, offered by him on yesterday.

Which was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Enrolled Bills, to which had been referred an enrolled bill of the House, entitled "an act to incorporate the inhabitants of the town of Dandrige, in the county of Jefferson, reported, that the committee had instructed him to report the same as truly enrolled.

The Speaker of the House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

M. Maury, from the Committee on Enrolled Bills, reported that said committee had examined an engrossed bill of the House, No. 47, entitled,

"A bill to repeal the 3d section of the act of 1817, chap. 77," and found the same correctly engrossed.

Ordered that the clerk transmit said engrossed bill to the Senate, and request their concurrence therein.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered bills of the following titles:

A bill, No. 13, to authorise the county courts of Henderson and Perry counties to make such disposition of the Internal Improvement funds belonging to said counties, as to them shall seem proper.

A bill, No. 16, to amend the penal laws of the State of Tennessee.

A bill, No. 39, to authorize and require the Entry-taker of the Ocoee district to refund money in certain cases.

A bill, No. 19, to revive spring musters.

And a bill, No. 52, to establish a female academy in the county of White.

Which bills have been severally read a third time, and passed in the Senate and have been engrossed, and herewith transmitted.

The Senate have adopted a resolution, No. 58, proposing that the two Houses of the General Assembly adjourn the first day of December, 1843, which resolution is herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have taken up and read a third time and passed a resolution, No. 45, to amend the 4th section of the 10th article of the constitution of the State of Tennessee, so that a new county may be created out of the territory of the counties of Sullivan, Washington, Green, and Hawkins, which resolution is herewith transmitted, and the concurrence of the House of Representatives therein requested.

The Speaker of the Senate has signed an enrolled bill of the House of Representatives, entitled,

"An act to incorporate the inhabitants of the town of Dandrige, in the county of Jefferson.

Which enrolled bill is herewith transmitted.

Ordered that the clerk of this House deposit said enrolled bill in the office of the Secretary of State.

The House took up the following bills:

A bill, No. 49, for the benefit of endorsers, securities, and stayors,

A bill, No. 51, to attach McNairy county to the district of the chancery court at Savannah.

A bill, No. 53, to provide for the dismissal of suits in certain cases.

A bill, No. 55, to authorise the trustees of Rhea academy, to appoint an additional number of trustees.

A bill, No. 57, to restore Daniel McVay, of the county of Claiborne, to the privilege of citizenship,

A bill, No. 74, to prevent suits from being instituted in certain cases a second time upon the same evidences of debt.

A bill, No. 75, to incorporate the town Randolph, in the county of Tipton.

A bill, No. 79, to annex a portion of the South-west corner of Williamson county, to the county of Rutnersford.

A bill, No. 80, for the benefit of the heirs of Thomas Maxwell, of the county of Blount.

A bill, No. 85, to appoint an agent to collect arrearages of School Lands.

A bill, No. 90, to extend the corporate limits of the town of Greenville, in the county of Greene.

A bill, No. 93, to restore John B. Howard to the rights of citizenship.

Which bills were severally read a second time and passed.

The House took up bills of the following titles :

A bill, No. 54, to repeal part of the act of 1829, chaapter 85, section first.

A bill, No. 61, to establish a Chancery court at Harrison, in the county of Hamilton, and to abolish the Chancery court at Pikeville and Cleaveland.

A bill, No. 84, to protect and preserve the good morals of the people.

A bill, No. 91, to repeal the first section of an act passed December 1st, 1826.

Which bills were severally read a second time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Coggin asked leave of the House to withdraw,

A bill, No. 56, to regulate the time of working on public roads.

Which was granted.

The House took up bills of the following titles :

A bill, No. 63, making it the duty of county Trustees to keep their offices in their respective county towns.

A bill, No. 78, to repeal the act passed February 2d, 1842, imposing certain duties on overseers of roads.

Which bills were severally read a second time and rejected.

Mr. Bledsøe moved to reconsider the vote of the House just taken, rejecting,

A bill, No. 78, to repeal the act passed February 3d, 1842, imposing certain duties on overseers of roads.

Which motion was disagreed to by the House.

The House took up,

A bill, No. 73, for the relief of Joseph Newman, Sheriff of Franklin county.

Which bill had been referred to the Committee on Claims, and report without amendment.

Mr. Alexander moved to recommit said bill to the Committee on Claims.

Which motion was agreed to by the House.

The House took up,

A bill, No. 57, to prevent fraud in the negotiation of notes.

Which bill was read a third time.

And the question being taken, "shall the bill pass?" was determined in the affirmative.

Yeas

56

Nays

6

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Edwards, Farquharson, Garner, Glenn, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, Maury, Miller of Marshall, Milhgan, Moores, Morris, Morrow Nave, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Eubank, Humphreys, McGinnis, Trott, and Williams.

So said bill was passed on its third and last reading in the House, and was ordered to be engrossed and transmitted to the Senate.

The House took up.

A bill, No. 82, to refund to Sheriffs revenue improperly paid over by them.

Which was read and laid on the table.

On motion of Mr. Cheatham,

Ordered that Mr. Jourdon be excused for non-attendance on account of indisposition.

On motion of Mr. Trimble,

Ordered that Mr. Burrus have leave of absence until Monday next,

A message from the Senate, No. 42, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution from the House, No. 79, directory to the Committee on Banks, proposing a compromise with the securities of E. W. Dale, late Cashier of the Branch of the Bank of Tennessee at Columbia, and have concurred therein.

The House took up,

A resolution, No. 58, from the Senate, which was read at the clerk's table, as follows:

Resolved by the General Assembly of the State of Tennessee, That both Houses of the General Assembly will adjourn sine die, on Thursday the 1st December next.

Mr. Glenn moved to amend said Senate's resolution by striking out the "1st December," and inserting in lieu thereof "the 20th November next."

Mr. Cheatham moved to lay said resolution and amendment on the table.

Which motion was agreed to by the House.

Mr. Trott submitted the following resolution, No. 81:

Whereas, From the great scarcity of the circulating medium the property of the people is being sacrificed from one extreme of the State to the other; therefore

Be it Resolved by the General Assembly of the State of Tennessee, That the Planter's, Union, Farmer's and Merchant's Bank of Memphis, and the Bank of Tennessee, be requested to put an additional million of dollars forthwith in circulation on discounted notes, in sums as low as fifty dollars, and not more than five hundred dollars to any individual, either directly or indirectly, and that said Bank contribute to raise said discounts in proportion to its capital stock, and that at least six months time be given.

Which was read, and the 59th rule of the House being suspended, said resolution was adopted.

On motion of Mr. Maury,

Ordered that said resolution be referred to the Committee on Banks.

On motion the House took up,

A resolution, No. 74, directory to the Committee on Banks, to amend the charter of the Bank of Tennessee.

Which was read and adopted.

The House took up,

A resolution, No. 73, directory to the Committee on the Judiciary, to abolish the Chancery court at Kingston, and for other purposes.

Which was read and adopted.

The House took up,

A bill, No. 86, to reduce the number of the terms of the Circuit courts in this State.

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up,

A bill, No. 88, ordering criminals for capital offences to be executed within the enclosure of the prison house.

Ordered that said bill be laid on the table.

The House adjourned until Monday morning, 9 o'clock.

MONDAY, OCTOBER 30th, 1843.

The House met pursuant to adjournment.

Mr. Morrow presented memorial No. 39, from the commissioners of Mead's Turnpike road, in the counties of Marion and Hamilton, and the condition and situation of said road.

Mr. Morrow also presented petition No. 40, from 284 citizens of the counties of Marion and Hamilton, praying that John Kelly be appointed a proprietor of Mead's Turnpike road.

Which petitions were read, and referred to the Committee on Internal Improvement, with the accompanying documents.

Mr. Goodall presented a petition No. 41, from sundry citizens of the county of Macon, praying the Legislature to pass an act for the incorporation of the town of Lafayette in said county.

Which was read, and ordered to be transmitted to the Senate.

Mr. Bond presented a petition, No. 42, from sundry citizens of the counties of Haywood, Madison, Fayette, and Hardeman, praying the Legislature to pass an act so as to prohibit the erection of Turnpike roads within a certain distance of other Turnpike roads.

Which petition was read, and ordered to be transmitted to the Senate, with accompanying documents.

Mr. Lenoir presented a petition, No. 43, from sundry citizens of the county of Roane, praying an amendment to the act of Assembly, providing for the clearing out of Clinch river.

Which was read, and ordered to be transmitted to the Senate.

Mr. Morrow, from the Committee on Claims, to whom had been referred,

A bill, No. 73, for the relief of Joseph Newman, Sheriff of Franklin county, report that the committee had had the same under consideration, and had instructed him to report an amendment in lieu of the whole bill from the enacting clause, and to recommend its passage.

Which amendment of the Committee was concurred in by the House. Said bill as amended was then read a second time and passed.

Mr. Maury, from the Committee on Enrolled Bills, reported that said committee had examined an engrossed bill, No. 51, entitled, a bill to prevent frauds in the negotiation of notes, and found the same to be correctly engrossed.

Ordered that said engrossed bill be transmitted to the Senate.

A message from the Senate by Mr. Cocke, their clerk.

MR. SPEAKER: The Senate have received sundry petitions from citizens of Hardeman, Fayette, Madison, Haywood, and Henderson counties, praying the Legislature to grant an act of incorporation for a turnpike road and ferry across Hatchie river at Atwood's old stone mill.

They have also received a petition from sundry citizens of Putnam county, praying to be attached to the county of White; and also the petition of sundry citizens of Giles county in relation to the Lunatic Asylum.

Which petitions they have severally read, and in obedience to an or-

der of the Senate they are herewith transmitted to the House of Representatives.

The Senate have taken up and considered bills of the following titles:

A bill, No. 50, to vest in the Circuit Courts the power of restoring certain persons to the rights of citizenship.

A bill, No. 31, to prescribe the mode of choosing electors to vote for President and Vice President of the United States.

A bill, No. 57, for the more perfect security of justice in criminal prosecutions.

A bill, No. 58, to amend the militia laws of this State.

Which bills were severally read a third time and passed.

And the same have been engrossed, and in obedience to an order of the Senate they are herewith transmitted and the concurrence of the House of Representatives therein requested.

On motion of Mr. Avery,

Ordered that petition, No. 22, transmitted from the Senate this morning, from sundry citizens of the counties of Hardeman, Madison, Fayette, Haywood, and Hardin, praying the Legislature to grant an act of incorporation for a turnpike road and ferry across the Hatchee river at Atwood's old stone mill, be referred to the Committee on Internal Improvement.

Ordered that the petition, No. 20, received this morning from the Senate, be referred to the Committee on the Lunatic Asylum.

Ordered that petition, No. 21, transmitted this morning from the Senate, be referred to the Committee on New Counties and County Lines.

Mr. Rodgers introduced bills of the following titles:

A bill, No. 95, to designate the sittings of the Circuit Court in the 4th circuit.

A bill, No. 97, fixing the number of sessions of the county courts of this State.

Which bills were severally read a first time and passed.

Mr. Rodgers introduced,

A bill, No. 95, defining the method of obtaining judgments on notes due the Bank of Tennessee and Branches.

Which was read a first time and passed.

Ordered that said bills be referred to the Committee on Banks.

Mr. Sherrill introduced,

A bill, No. 98, to enable the citizens of Morgan county to erect a jail in said county.

Which was read a first time and passed.

Mr. Farquharson introduced,

A bill, 99, to revise and bring into one view the law in relation to common schools.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

The House took up bills from the Senate of the following titles, to wit:

A bill, No. 51, to prescribe the mode of choosing electors to vote for President and vice President of the United States.

A bill, No. 50, to vest in the circuit courts the power to restore certain persons to the rights of citizenship; and

A bill, No. 57, for the more perfect security of justice in criminal prosecutions.

Which bills were severally read a first time and passed.

The House took up,

A bill from the Senate, No. 38, to amend the militia laws of this State.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Military Affairs.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution proposing to elect a Comptroller and Treasurer for this State on the 1st day of November next.

Which resolution is herewith transmitted and the concurrence of the House therein is requested.

Mr. Trott introduced,

A bill, No. 100, to amend the charter of the Bank of Tennessee.

Mr. Goodall introduced,

A bill, No. 101, to incorporate the town of La Fayette, in the county of Macon.

Which bills were severally read a first time and passed.

On motion of Mr. Carson,

The House took up Senate's resolution, No. 57, appointing E. G. Eastman and L. Gifford public printers.

The amendment offered by Mr. Maury, on Friday last, in lieu of the Senate's resolution, and the amendment as a proviso to the Senate's resolution offered by Mr. Farquharson on the same day, being under consideration, with leave of the House Mr. Farquharson withdrew his amendment.

Mr. Goode moved to amend the Senate's resolution by adding thereto the following proviso:

Provided, That the said Gifford and Eastman shall, within twenty-four hours from the passage of this resolution, give the bond and security required by law for the faithful performance of the work; and provided further, that the price charged the State for the paper on which the journals are printed shall not exceed four dollars and fifty cents per ream for double medium size, (24 by 38 inches,) or two dollars and twenty-five cents per ream for medium paper, (24 by 19 inches) if that size should be used; and that the price charged for the paper on which the acts shall be printed shall not exceed three dollars and twenty-five cents per ream for medium size, (24 by 19 inches;) and the price charged for the paper on which Humphreys's Reports shall be printed, shall not exceed five dollars and fifty cents per ream for medium size, (24 by 19 inches;) and provided further, that the paper on which the laws, journals, and reports shall be printed, and the printing shall be of as good

a quality as that upon which the laws, journals, and reports respectively have been printed for the last two years.

Mr. Polk moved to amend the amendment by striking out the words "within twenty-four hours from the passage of this resolution," and inserting in lieu thereof the words "by the 20th day of November next."

Mr. Walker called for a division of the question.

And the question was thereupon taken on striking out as moved by Mr. Polk, and was determined in the affirmative.

The question was then taken on filling the blank as moved by Mr. Polk, and was determined in the affirmative.

So the amendment as moved by Mr. Polk was adopted by the House.

The amendment offered by Mr. Goode as amended was thereupon agreed to by the House.

The question then recurring upon the amendment offered by Mr. Maury in lieu of the Senate's resolution,

Mr. Maury called for a division of the question.

And thereupon the question was taken on striking out the Senate's resolution.

Which motion to strike out was disagreed to by the House.

So the amendment offered by Mr. Maury was rejected.

Mr. Miller of Hardeman moved to amend the Senate's resolution by striking out the words "according to law."

Which amendment was adopted.

And thereupon the Senate's resolution as amended was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House then took up Senate's resolution, No. 60, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their hall, on Wednesday, the first day of November next, at the hour of 10 o'clock, for the purpose of electing a Comptroller and Treasurer of the State.

Mr. Black moved to amend the Senate's resolution by striking out the words "Wednesday, the first," and inserting "Friday, the third."

Which amendment was rejected.

Mr. Black then moved further to amend the Senate's resolution by adding thereto the following amendment:

"And also an Attorney General for the 9th judicial circuit."

Which was disagreed to by the House.

The resolution of the Senate was then concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Coggin made a motion to reconsider the vote of the House on bill, No. 48, to amend the revenue laws of this State.

On motion of Mr. Farquharson,

The House took up resolution, No. 86, submitted by him on the 25th inst., directory to the superintendent of public instruction.

Which resolution was adopted.

Then the House adjourned.

TUESDAY, OCTOBER 31st, 1843.

The House met pursuant to adjournment.

Mr. Hughes presented a petition, No. 44, from John Blackenship, praying legislative relief.

Which petition was read and ordered to be referred to the Committee on Public Lands, with the accompanying documents

Mr. Sherrill presented a petition, No. 45, from Abram Lance and four others, praying that the Legislature pass an act changing the name of said Abram Lance, to Andrew Kerley.

Which was read and laid on the table,

Mr. Richardson presented a petition, No. 46, from sundry citizens of the county of Rutherford, praying the Legislature to continue Legislative encouragement to the culture of silk.

Which petition was read and referred to the Committee on Agriculture and Manufactures.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred bills of the following titles, to wit :

A bill, No. 54, to repeal part of the act of 1829, chap. 88, and section 1st.

A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and to abolish the chancery courts at Pikeville and Cleveland.

A bill, No. 84, to protect the good morals of the people.

A bill, No. 89, to repeal all laws or parts of laws, paying magistrates or as they are sometimes called, justices of the peace ; and

A bill, No. 91, to repeal the first section of an act passed December 1st. 1827, reported that the committee had had the same under consideration and had instructed him to report the said bills without amendment, and to recommend their rejection.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a resolution, No. 73, to abolish the chancery court at Kingson, and for other purposes, and also a resolution, No. 80, giving constables further time to wind up their unsettled business, reported that the committee had had under consideration and had instructed him to report unfavorable to the objects of the resolutions and to be discharged from the further consideration of said resolutions.

Which report was concurred in by the House.

The House took up

A bill, No. 44, to repeal part of the act of 1829, chap. 88, and section 1.

Which had been referred to the Committee on the Judiciary, and which was reported to the House this morning, without amendment, and its rejection recommended, the bill being read the third time.

The question was then taken "shall the bill pass?" and was determined in the negative.

Yeas

13

Nays

59

Those who voted in the affirmative are,

Messrs. Brooks, Coggin, Deavenport, Dearing, Duggan, Eubank,

Goodall, Hodsdon, Humphreys, Lauderdale, Morrow, Nave, and Trott.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Edwards, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up,

A bill, No. 61, to establish a Chancery court at Harrison, in the county of Hamilton, and to abolish the Chancery court at Pikeville and Cleaveland.

Which had been referred to the Committee on the Judiciary, and reported to the House this morning without amendment, and its rejection recommended.

Said bill was then read a second time and rejected.

The House took up,

A bill, No. 84, to protect and preserve the good morals of the people.

Which had been referred to the Committee on the Judiciary, and was reported to the House this morning without amendment, and recommended its rejection.

Ordered that the report of the committee be laid on the table, and that Mr. Nave have leave to withdraw said bill for amendment.

The House took up

A bill, No. 89, to repeal all laws or parts of laws, paying magistrates or as they are sometimes called, justices of the peace.

Which had been referred to the Committee on the Judiciary, and reported to the House this morning, without amendment, and its rejection recommended.

Said bill was then read a second time.

And the question being taken "shall the bill?" it was determined the negative.

Yeas	7
Nays	58

The ayes and nays being called for by Mr. Boddie, and ordered the House.

Those who voted in the affirmative are,

Messrs. Anderson, Brooks, Cross of Madison, Dearing, G Hughes, and Marr.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Bond, Burrus, Carson, Cheatham, Cherry, Coggin, Cross of Sullivan, C Crudup, Deavenport, Duggan, Edwards, Farquharson, Fisher, mer, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, H

ston, Humphreys, Jourdan, Kinney, Lauderdale, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Said bill was rejected.

The House took up,

A bill, No. 91, to repeal the first section of an act passed Dec. 1st, 1827, allowing constables commission fees on money collected.

Which bill had been referred to the Committee on the Judiciary, and reported to the House this morning without amendment, and its rejection recommended.

Said bill was then read a second time.

And the question being taken "shall the bill pass," it was determined in the negative,

Yeas	5
Nays	67

The ayes and nays being called for by Mr. Coggin and ordered by the House.

Those who voted in the affirmative are,

Messrs. Bobo, Coggin, Dearing, Rodgers, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdon, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Said bill was rejected.

Mr. Richardson, from the Committee on Internal Improvements to which had been referred a petition, No. 32, from sundry citizens of Monroe county, praying the Legislature to declare Tellico River navigable, and asking an appropriation for the same, reported that the committee had had the same under consideration, and had instructed him to report that the prayer of the petitioners is unreasonable, and ought not to be granted.

Which report was concurred in by the House.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a petition, No. 20, from sundry citizens of the county of Weakly, praying for Legislative relief for William Laws and Benjamin P. Wheeler, made an unfavorable report thereon.

On motion of Mr. Scott,

Ordered that said petition and report be laid on the table.

Mr. Richardson, from the Committee on Internal Improvements, to which

had been referred, a bill, No. 39, to authorise the proprietors of Burk^{land} turnpike road, to keep two gates on said road, reported that the committee had had the same under consideration, and had instructed him to report the same without amendment, and recommend its rejection.

On motion of Mr. Rodgers,

Ordered that said bill and report be laid on the table.

Mr. Richardson from the Committee on Internal Improvement, to which had been referred a petition, No. 24, from sundry citizens of Davidson county, praying an act of incorporation for a turnpike road, reported that said committee had had the same under consideration, and had instructed him to report in accordance with the prayer of the petitioners.

A bill, No. 102, to authorise Samuel W. Atkinson, of Davidson county, to open a turnpike road.

Which bill was read a first time and passed.

A message from the Senate by Mr. Cocke, their clerk.

MR. SPEAKER: The Senate have received a petition, No. 22, from sundry citizens of Anderson county, praying the revival of spring musters; also a memorial of sundry citizens of the City of Nashville, and elsewhere about 200, praying for Legislative relief for the institution for the education of the blind.

Which petitions they have read and ordered to be transmitted to the House, which is accordingly done.

The Senate have taken up and considered

A bill, No. 3, to regulate proceedings in actions of replevin; and

A bill, No. 52, to repeal an act passed on the 25th January, 1840, entitled "an act to increase the tax on books,"

Which they have severally read a third time and passed, and have ordered the same to be transmitted to the House of Representatives, which is herewith accordingly done, and the concurrence of the House therein requested.

The Senate have adopted a resolution, No. 61, declaring it expedient to reduce the salaries of the Comptroller of the Treasury, Treasurer, and Secretary of State, which is herewith transmitted, and the concurrence of the House therein requested.

Which resolution was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That it is expedient to reduce the salaries of the Comptroller of the Treasury, to fifteen hundred dollars, and of the Treasurer, to twelve hundred dollars, and of the Secretary of State, to seven hundred dollars.

Mr. Miller of Harlertown moved to strike out of Senate's resolution "seven hundred dollars," as the salary of the Secretary of State.

Which motion to strike out was disagreed to by the House.

The resolution of the Senate was thereupon concurred in by the House.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Federal Relations, to which had been referred a resolution, No. 27, in relation to the mode of electing Senators to the Congress of the United States; and a bill, No. 7, to provide for the time, place, and manner of choosing Senators to the next Congress.

gress of the United States. [reported that said Committee had had the same under consideration and had instructed him to report an amendment in lieu of the whole bill, from the enacting clause, accompanied by a report on the subject from said Committee, and to recommend the passage of said bill as amended.

On motion of Mr. Polk,

Ordered that the bill and report of the Committee be laid on the table.

Mr. Carson introduced,

A bill, No. 103, to give to justices of the peace jurisdiction of the trial of misdemeanors.

Mr. Scott introduced,

A bill, No. 104, for the benefit of William Laws and Benjamin P. Wheeler.

Mr. Fisher introduced,

A bill, No. 105, for exempting cavalry companies from serving on juries and working on roads.

Mr. Sherrill introduced,

A bill, No. 106, to change the name of Andrew Lowe to that of Andrew Kerly.

Which bills were severally read a first time and passed.

Mr. Nave, from the Select Committee on Tippling and Tippling Houses, to whom had been referred, a bill, No. 21, to repeal a part of the twelfth section of the act of 1779, chap. 10, establishing ordinaries and tippling houses, reported that the Committee had had the same under consideration and had instructed him to report an amendment in lieu of the whole bill, from the enacting clause, and also to change the title of the bill to read as follows: "A bill to regulate the sale of spirituous and vinous liquors and to allow it to be drunk at the place where sold."

On motion of Mr. Brooks,

Ordered that the bill and amendment be laid on the table.

The House took up,

A bill, No. 52, from the Senate to establish a Female Academy in the county of White.

Which was read a first time and passed.

A message from the Senate, no. 27, by Mr. Cocks, their Clerk:

MR. SPEAKER: The Senate have taken up the House's amendment to Senate's resolution, No. 57, appointing E. G. Eastman and L. Gifford public printers, and have concurred therein with an amendment thereto, which is herewith transmitted and the concurrence of the House therein requested.

They have also taken up and considered, a bill from the House, No. 37, to incorporate the town of Tazewell, in the county of Claiborne.

Which bill they have read a third time and passed, with sundry amendments, in which the concurrence of the House of Representatives is requested.

The House took up,

A bill, No. 15, to repeal the act of 1842, chap. 2, authorising the Banks to issue notes of the denomination of one dollar and upward.

Mr. Hodsden moved to amend said bill by striking out all after the enacting clause and to insert in lieu thereof the following words: "that the act of 1842, passed 27th October 1842, authorising the Banks in this State to issue small notes, be extended to the 1st of January, 1846."

Mr. Carson offered the following amendment in lieu of the amendment offered by Mr. Hodsden:

"That the Bank of Tennessee shall continue to issue notes of any denomination, from one to ten dollars, from and after the first day of January, 1845, without being restricted in making such issues, and that the issues of such small notes shall be duly apportioned between the principal Bank and the several branches of the Bank."

Mr. Farquharson moved that the amendment offered by Mr. Hodsden and the amendment offered by Mr. Carson be both laid on the table.

And the question being taken on laying said amendment on the table, it was determined in the affirmative,

Yeas	40
Nays	29

The yeas and nays being called for by Mr. Carson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bobo, Boddie, Bond, Cheatham, Cherry, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Richardson, Scott, Smart, Trice, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wan, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Bledsne, Brooks, Burrus, Carson, Coggin, Cross of Madison, Dearing, Duggan, Goodall, Hamilton, Hodsden, Hughes, Humphreys, Jourdon, Lenoir, Maury, Moores, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Trimble, Wheeler, Williams, and Mr. Speaker Barringer.

Said amendment was ordered to the table.

Mr. Rodgers moved the reconsideration of the vote of the House, on this morning, rejecting "a bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and to abolish the Chancery Courts at Pikeville and Cleaveland.

Which motion was agreed to by the House:

On motion of Mr. Trimble,

Ordered that the use of the Representative Hall be granted for the examination of the pupils of the school for the education of the blind.

Pending the discussion on bill, No. 15,

The House adjourned.

WEDNESDAY, 1st NOVEMBER, 1843.

The House met pursuant to adjournment.

Mr. Cross of Sullivan presented a petition, No. 47, from sundry citizens of the county of Sullivan, praying the Legislature to pass an act for the benefit of Samuel and Hannah Miller.

Which was read and referred to the Committee on Education, together with the report of the Institution for the instruction of the blind at Philadelphia.

Mr. Gordon presented the petition of sundry citizens of the counties of Maury, Hickman, Lawrence, and Wayne, praying the Legislature to pass an act establishing a new county.

Mr. Tyler presented a petition from sundry citizens of Montgomery and other counties, praying the Legislature to pass an act establishing a new county.

Which petitions were severally read, and ordered to be referred to the Committee on New Counties and County Lines.

Mr. Fisher presented a petition, No. 50, from 167 petitioners of this State praying a repeal or amendment of the act of 1831, ch. 103, sec. 3, to exempt from its operation a slave, the property of Wm. H. Macon, named Doctor Jack.

Mr. Fisher also presented a petition, No. 51, from 67 ladies of Fayette and adjoining counties on the same subject.

Which petitions were severally read and ordered to be transmitted to the Senate.

Mr. Cheatham, from the Committee on Banks, to which had been referred, "A bill, No. 81, to change the method of renewing notes in the Bank of Tennessee and Branches," reported that the Committee had had the same under consideration and had instructed him to report said bill with an amendment thereto as a proviso to the first section of the bill as follows:

"Provided that nothing herein contained shall be so construed as to destroy the liability of the principal to his securities."

And with said amendment to recommend the passage of the bill.

Said amendment was adopted.

And said bill was further amended by Mr. Rodgers,

On motion of Mr. Cheatham,

Said bill as amended was laid on the table.

Mr. Cheatham from the Committee on Banks, to which had been referred, "A bill, No. 96, defining the method of obtaining judgements on notes due the Bank of Tennessee," reported that the Committee had had the same under consideration and had instructed him to report the same without amendment, and to recommend its passage.

On motion of Mr. Cheatham,

Said bill was laid on the table.

Ordered that 125 copies of said bills, Nos. 81 and 96, just reported by the Committee, be printed for the use of this House, and that the two bills be printed on the same sheet.

Mr. Cheatham, from the Committee on Banks, to which had been referred,

ferred a resolution, No. 68, directory to the Committee on Banks, submitted by Mr. Carson on the 20th, and adopted by the House on the 25th October, reported that the Committee had had the same under consideration and had instructed him to report that the object of the resolution had been embraced in a former report of the Committee, and ask to be discharged from the further consideration of the same.

Which report was concurred in by the House.

Mr. Cheatham, from the Committee on Banks, to which had been referred a resolution, No. 81, directory to the Committee on Banks, in relation to the expediency of increasing the amount of discounts in said Bank, reported that the committee had had the same under consideration, and had instructed him to report the objects of the resolution as inexpedient, and ask to be discharged from the further consideration of the subject.

Mr. Farquharson moved that the report and resolution be recommitted to the Committee on Banks, with instructions to inquire of the several Banks, as to their ability and willingness to comply with the request of the resolution, without endangering the payment of specie, and report at as early a day as practicable.

The question being taken on the adoption of said motion to recommit with instructions, it was determined in the affirmative.

Yeas	45
Nays	29

The ayes and nays being called for by Mr. Farquharson, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Brooks, Carson, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Ethank, Farquharson, Garner, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Moores, Morrow, Polk, Rodgers, Scott, Sherrill, Snart, Trout, Turner, Turney, Walker of Hickman, Wann, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Burrus, Cheatham, Cross of Madison, Fisher, Glenn, Hamilton, Hodsden, Jourdan, Lenoir, Marr, Maury, Miller of Hardeman, Moorman, Morris, Nave, Rawlings, Richardson, Roach, Trice, Trimble, Tyler, Walker of Williamson, Williams, and Wyley.

So said motion to recommit, was agreed to by the House.

Mr. Cheatham, from the Committee on Banks, to which had been referred a resolution, No. 74, to amend the charter of the Bank of Tennessee, submitted on the 25th, and adopted the 28th of Oct., reported that the committee had had the same under consideration, and had instructed him to report unfavorable to the objects of the resolution, and ask to be discharged from the further consideration of the subject.

Which report was concurred in by the House.

The House took up

Senate's amendment to House's amendment to Senate's resolution

No. 57, appointing E. G. Eastman and L. Gifford, public printers; which amendment proposed to strike out "the 20th November 1843," and insert in lieu thereof "the 15th November, or within fifteen days after the adoption of the resolution."

In which amendment the House concurred.

Ordered that the clerk acquaint the Senate therewith.

Mr. Cross of Sullivan submitted the following resolution, No. 82:

Whereas the loss of sight is one of the heaviest calamities that can fall on any of the human family, and whereas it is the duty of every community to provide for the comfort of those who by misfortune, or natural infirmity, are unable to take care of themselves, and whereas it has been ascertained by actual experiment, that the blind may be so educated as to be able to follow profitably almost all the leading pursuits in society; therefore

Resolved, That the Committee on Education and Common Schools be directed to inquire into the practicability and expediency of establishing a place for the education of the blind in this State, and that they report by bill or otherwise.

Mr. Moores submitted the following resolution, No. 83.

Resolved, That the Committee on the Lunatic Asylum, be instructed to inquire into the expediency of some change in the present management of the Asylum, and what that change should be, whether invalids cannot be admitted for less than three dollars per week, the present charge, whether indeed a much larger number may not be admitted free of charge, and whether those who are charged may not be admitted for less than the present charges, and report as early as practicable.

Which resolutions were severally read and laid on the table.

Mr. Dearing introduced

A bill, No. 109, fixing the compensation of the Treasurer of the State.

Which bill was read a first time and passed.

The two Houses of the General Assembly met in the Representative Hall, in pursuance of a joint resolution adopted by both Houses, for the purpose of going into the election of a Comptroller of the Treasury of the State.

The resolution that brought the two Houses together, being read by the clerk of the Senate.

Mr. Cocke moved to go into the election of Comptroller of the Treasury, first in order.

Which motion was agreed to by the Convention.

Thereupon Mr. Polk nominated Daniel Graham, for said office of Comptroller; and Mr. Cocke of the Senate, nominated F. K. Zollicoffer, for the same.

And the vote of the House of Representatives was then taken viva voce. Mr. Graham and F. K. Zollicoffer being in nomination, and was as follows:

FOR GRAHAM:

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Enbank, Farquharson, Fisher, Garner, Glenn, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale,

Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Dickman, Wann, and Wyley, 35 votes.

FOR ZOLLICOFFER:

Messrs Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Gordon, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 40 votes.

It being reported to the convention, by Mr. Cocke, Clerk of the Senate, that the result of the vote of the Senate in said election was, for Graham, 11 votes; for Zollicoffer, 14 votes.

It appearing to the convention that Mr. F. K. Zollicoffer, had received a majority of all the votes given in said election by both Houses.

The Speaker of the Senate thereupon declared that F. K. Zollicoffer was duly and constitutionally elected Comptroller of the Treasury, for the ensuing two years.

Mr. Cullom, Senator from Smith, moved that the convention postpone the further consideration of the resolution adopted by both Houses as far as regards the election of a Treasurer for this State, until the 20th inst.

Mr. Glenn raised the question of order, whether it was competent for the convention to postpone its action as moved, as to the election of Treasurer for the State, inasmuch as it would be equivalent to rescinding a joint resolution of both Houses, which he maintained the convention had no power to do.

The Speaker of the Senate decided that the postponement of the further action of the convention as moved by Mr. Cullom, Senator from Smith, would not be equivalent to rescinding the joint resolution of the two Houses, and that said motion was in order.

The question was then taken on agreeing to the postponement of the further action of the convention, as moved by Mr. Cullom, and was decided in the affirmative.

The ayes and nays being called for on said motion, by Mr. Polk, Representative from Maury, and ordered by the convention, the result of the vote of the House of Representatives on said motion, was as follows:

Yeas	39
Nays	36

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Duggan, Dearing, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bond, Biddle, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Houston, Huddleston, Hughes, Kin-

ay, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Sherrill, Smart, Turner, Turney, Trotter, Walker of Hickman, Wana, and Wyley.

It being reported to the convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate on said motion was yeas fourteen nays eleven.

And it appearing that a majority of the convention of the two Houses having voted in favor of said postponement, the Speaker of the Senate thereupon declared that said motion had prevailed, and that the further action of the convention on the joint resolution of the two Houses in relation to the election of Treasurer, was postponed until the twentieth instant.

Thereupon Mr. Speaker and members of the Senate withdrew from the Representative hall, and the House resumed its session.

Mr. Polk submitted a resolution proposing that this General Assembly adjourn sine die, on the 15th inst.,

Which was declared out of order by the Speaker.

Mr. Polk moved that the House take up Senate's resolution, No. 58, proposing that the General Assembly adjourn on the 1st day of December next.

Which motion was disagreed to by the House.

Mr. Barrus moved at 10 minutes past 12 o'clock, that the House adjourn until 2 o'clock, this afternoon.

And the question being taken on said motion, it was determined in the affirmative.

Yeas

40

Nays

35

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Goodall, Goode, Hamilton, Hodsdon, Houston, Humphreys, Jourdan, Lenoir, Marr, Maury, Moorman, Morrow, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Carson, Cherry, Cross of Sullivan, Crouch, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Rawlings, Scott, Smart, Trotter, Turner, Turney, Walker of Hickman, Wana, and Wyley.

So the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The House took up,

A bill from the Senate, No. 3, to regulate proceedings in actions of replevin.

Which bill was read a first time and passed.

The House took up,

A bill from the Senate, No. 52, to repeal an act passed on the 25th January, 1840, entitled an act to increase the tax on brokers.

Which bill was read a first time and passed.

The House took up,

A petition, No. 23, transmitted from the Senate, from sundry citizens of the county of Anderson, praying the revival of spring musters.

Which was read at the clerk's table.

Ordered that said petition be referred to the Committee on Military Affairs

The House took up,

A petition, No. 24, transmitted from the Senate, from sundry citizens of Nashville and other citizens of the State, about 200, praying relief to the institution for the education of the blind.

Which memorial was read and referred to the Committee on Education and Common Schools.

The House then took up,

A bill, No. 15, to repeal the act of 1812, chapter 2, authorizing the banks to issue notes of the denomination of one dollar and upwards.

Which was pending when the House adjourned on last evening.

Mr. Farquharson moved to amend said bill by adding an additional section, constituting the third section to said bill, which is as follows:

SEC. 3. *Be it enacted* That an act entitled "an act to authorize the Bank of Tennessee to issue notes of smaller denomination than five dollars, passed January 25th, 1812, be and the same and is hereby repealed.

Mr. Speaker Barringer, Mr. Walker of Williamson in the chair, moved that the bill and amendments be indefinitely postponed.

And the question being taken it was determined in the affirmative,

Yeas	42
Nays	27

The yeas and nays being called for by Mr. Speaker Barringer and ordered by the House.

Those who voted in the affirmative are,

Messrs Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bond, Boone, Brooks, Burius, Carson, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsden, Hughes, Humphreys, Lenoir, Mauty, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Boddie, Cheatham, Cherry, Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Smart, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said bill and amendment was indefinitely postponed.

The House took up the amendment transmitted from the Senate to House bill, No. 37, to incorporate the town of Yazewell, in the coun-

ty Claiborne, which amendment proposes to strike out from the word "town" in the third line of the thirteenth section, to the words "the same" in the eighth line of said section, and to insert "the bounds of the corporation instead of the original plan of said town of Tazewell."

Which amendment was concurred in by the House.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Black, who had withdrawn for a amendment,

A bill, No. 44, for the purpose of placing all executions on equal terms, returned said bill with an amendment thereto, in lieu of the whole bill from the enacting clause.

Which amendment was read and adopted.

On motion of Mr. Cheatham,

Ordered that said bill as amended be referred to the Committee on the Judiciary.

Mr. Goode introduced,

A bill, No. 100, to amend the act of 1842, chapter 34.

Mr. Nave introduced,

A bill, No. 109, to amend an act authorising Ansel Carden to build toll bridge around Smith's hill, in Carter County.

Mr. Duggan introduced,

A bill, No. 112, to amend the act passed 27th January, 1840, chap. 73, entitled, 'an act to provide for viewing and laying off an alteration of the road leading from Newport, in Cocke county, to Sevierville, in the county of Sevier.

Which bills were severally read a first time and passed.

Mr. Cradup submitted the following resolution, No. 84, directory to the Committee on the Judiciary:

Whereas, the Register's office in the county of Perry, has recently been destroyed by fire, together with the books, records, and papers of said office, whereby many persons are or may be injured, therefore

Resolved, That the Judiciary Committee be and they are hereby instructed to report a bill prescribing the mode by which all deeds, deeds of trust, mortgages, bills of sale, powers of attorney, and all other instruments registered in said office may be set up and made available as evidence to the party or parties interested in any of the said instruments, in any suit or suits that have been or may be hereafter instituted either in law or equity, involving the title to any property conveyed in and by any of said instruments.

Which was read and adopted.

Mr. Morris introduced

A bill, No. 111, to amend the laws of this State, in capital cases.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Lauderdale introduced

A bill, No. 116, to correct mistakes in entering lands in the Ocoee district, and for other purposes.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Public Lands.

The House then adjourned.

THURSDAY, NOVEMBER 2d, 1843.

The House met pursuant to adjournment.

Mr. Lenoir presented the petition, No. 52, of Brigadier General James H. Reagan, on behalf of the sixth brigade of Tennessee militia, praying certain amendments to the militia laws of this State.

Which was read and ordered to be referred to the Committee on Military Affairs.

Mr. Morrow presented a petition, No. 53, from sundry citizens of the county of Hamilton, praying a consolidation of the chancery courts at Pikeville and Cleaveland, and to locate the same at Harrison, in the county of Hamilton.

Which petition was read and laid on the table.

Mr. Black presented a petition, No. 54, from sundry citizens of the county of Bedford, praying to be attached to the county of Rutherford.

Which was read and ordered to be referred to the Committee on New-Counties and County Lines.

Mr. Maury presented a petition, No. 55, of sundry citizens of the county of Williamson, praying the repeal of the act of 1841-'2, chap. 101, in relation to free persons of color, and the emancipation of slaves.

Which petition was read and ordered to be transmitted to the Senate.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read a petition, No. 30, from sundry citizens of Shelby county praying that the act of 1842, prolonging the stays of execution, be repealed.

They have also received and read a memorial, No. 23, from 100 ladies of this State, praying the Legislature to continue the encouragement heretofore given by law for the culture of silk.

They have also received a petition from John Trap and other citizens of Smith county, praying to be attached to Dekalb county.

Which petitions were severally ordered to be transmitted to the House, and the same are herewith accordingly transmitted.

I am directed by the Senate and do herewith retransmit to the House of Representatives sundry petitions from the citizens of the counties of Madison, Fayette, Haywood, and Hardeman, praying the passage of an act to prohibit the establishment of a turnpike road within certain distances of other turnpike roads.

The Senate have adopted a resolution, No. 62, directory to the Comptroller of the Treasury, authorizing him to settle the accounts of the Sheriff of Marion county, and the County Court clerk of Bledsoe county, for the taxes due the State for the year 1842.

Which resolution is herewith transmitted, and the concurrence of the House therein requested.

The Senate have read a third time and passed:

A bill, No. 48, to prevent presentments for assaults, batteries, and affrays.

Which bill is herewith transmitted, and the concurrence of the House therein requested.

The Senate have taken up and considered a resolution from the House, No. 76, directory to the Superintendent of Public Instruction.

In which resolution the Senate concur.

Mr. Maury, from the Committee on Enrolled Bills, reported that said committee had examined an enrolled bill, entitled:

An act to incorporate the Town of Tazewell, in the county of Claiborne, and found the same to be truly enrolled.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

Mr. Rodgers, from the committee on Military Affairs, to which had been referred "A bill No. 23; to establish the 23rd Brigade of Tennessee Militia, reported the same, with an amendment in lieu of the whole bill from the enacting clause, and with said amendment recommend the passage of the bill.

Mr. Coggin moved a nonconcurrence with the report of the committee.

Which motion was rejected.

Said report was thereupon concurred in by the House.

The bill as amended was read a second time and passed.

Mr. Rodgers, from the Committee on Military Affairs, to which had been referred Senate's bill, No. 19, to revise Spring Musters, reported said bill without amendment, and recommended its passage.

Mr. Brooks moved to amend said bill, by adding to the first section the following proviso:

Provided, That the citizens of Jackson county shall not be compelled to attend spring musters, unless by the consent of a majority of those subject to Military duty in said county.

Mr. Huddleston moved to amend the amendment offered by Mr. Brooks so as to include the county of Overton,

Which amendment, offered by Mr. Huddleston, was rejected.

Mr. Crudup then moved to amend the amendment offered by Mr. Brooks, so as to include Perry county.

Which amendment was also rejected.

Mr. Price moved indefinitely to postpone the bill and amendment offered by Mr. Brooks.

And the question being taken on the indefinite postponement, it was determined in the negative,

Yeas	20
Nays	49

The ayes and noes being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Boddie, Bond, Brooks, Cleveland, Cross of Sullivan, Crudup, Dearing, Huddleston, Marr, Maury, Miller of Hardeman, Milligan, Nave, Rawlins, Trice, Turner, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bone, Carrus, Carson, Cheatham, Cherry, Cross of Madison, Crouch, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodgeson, Hord, Hughes, Houston, Humphreys,

Jourdan, Kinney, Lauderdale, Lenoir, Miller of Marshall, Moore, Moorman, Morrow, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Trott, Turney, Tyler, Wann, Wheeler, and Williams.

So the House refused indefinitely to postpone said bill and amendment.

Said bill was then read a second time and passed.

Mr. Rodgers from the Committee on Military Affairs to which had been referred, "A bill from the Senate, No. 58, to amend the Militia laws of this State," reported said bill without amendment, and recommended its passage.

Said bill was then read a second time and passed.

Mr. Rodgers, from the Committee on Military affairs, to which had been referred resolution of the House, No. 18, directory to said Committee, submitted by Mr. Farquharson on the 5th Oct. made an unfavorable report on the objects of said resolution and asked to be discharged from the consideration thereof.

Mr. Farquharson moved that said resolution be recommitted with instructions to make a more definite report on the subject embraced in said resolution.

Which motion was rejected.

The report of the committee was thereupon concurred in by the House.

Mr. Rodgers, from the Committee on Military affairs, to which had been referred a petition No. 9, of James Hickey, of McMinn county, praying compensation for services rendered as Brigade Major of Tennessee militia, under the act of January, 1838, chapter 157, section 1, reported that the prayer of the petitioner is unreasonable and ought not to be granted.

Which report was concurred in by the House.

Mr. Avery, from the joint select committee on the Memphis Hospital, to which had been referred the memorial No. and accompanying documents, from the president and trustees of the Memphis Hospital, made a report thereon.

Which was read and laid on the table.

Mr. Avery, from said committee, also reported,

A bill, No. 13, for the benefit of the Memphis Hospital.

Which bill as reported was read a first time and passed.

The House took up

A petition, No. 42, from sundry citizens of the counties of Madison, Haywood, Fayette, and Hardeman, praying the passage of an act to prohibit the establishment of turnpike roads within certain distances of other turnpike roads, retransmitted from the Senate this morning.

Ordered that said petitions and accompanying documents be referred to the Committee on Internal Improvements.

The House took up

A petition, No. 37, transmitted this morning from the Senate, from sundry citizens of Shelby county, praying that the act of 1842, prolonging the stay on executions be repealed.

Which was read and

On motion of Mr. Alexander,

Ordered that said petition be referred to the Committee on the Judiciary.

The House took up

The petition of John Trap and others, citizens of the county of Smith, praying to be attached to DeKalb county, transmitted this morning from the Senate.

Which was read and ordered to be referred to the Committee on New Counties and County Lines.

The House took up

A memorial, No. 26, transmittted from the Senate this morning, from 100 ladies in this State, praying the Legislature to continue the encouragement heretofore given by law for the culture of silk.

Which was read; and

On motion of Mr. Carson,

Ordered that said memorial be referred to the Committee on Agriculture and Manufactures.

The House took up

A resolution from the Senate, No. 62, which was read at the Clerk's table as follows :

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Comptroller of the Treasury to settle the account of the sheriff of Marion county, and the county court clerk of Bledsoe county, for the taxes of 1842, which has been reported for collection, and that in making such settlement with said sheriff, he shall be authorised to allow all just and equitable credits for insolvencies, which shall be furnished either by the affidavit of said sheriff or from the records from the courts of said county of Marion: Provided, that the said sheriff and county court clerk shall be still liable to pay the costs, if any accrue, in any motion or suit at law instituted for recovering of said revenue.

Mr. Lauderdale moved to amend said resolution by adding after the words "heriff of Marion," and insert "and Bradley."

Which amendment was adopted.

Said resolution was concurred in by the House.

Ordered that the Clerk acquaint the Senate therewith.

The House took up,

A bill from the Senate, No. 43, to prevent presentments for assaults, batteries, and affrays in certain cases.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr Speaker Barringer presented a petition, No. 56, of sundry citizens of Claiborne county protesting against extending the corporate limits of Tazewell, so as to include Wm. Bullord.

Which was read and laid on the table.

A message from the Senate, by Mr. Cocke, their Clerk:

MR. SPEAKER: The Senate have read a third time and passed,

A bill, No. 65, to incorporate the Jackson, Sommerville, and Memphis turnpike company.

Which is herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have adopted a resolution, No. 63, proposing the appointment of a joint select committee, to whom may be referred a petition signed by 100 ladies, praying that the bounty on reeled silk and cocoons may be continued.

Which resolution is herewith transmitted and the concurrence of the House therein requested.

The Speaker of the Senate has signed an enrolled resolution, appointing E. G. Eastman and L. Gifford, public printers.

Which enrolled resolution is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the Senate has signed an enrolled bill from the House entitled,

"An act to incorporate the town of Tazewell, in the county of Claiborne."

Which enrolled bill is herewith transmitted to the House of Representatives.

Ordered that the clerk deposit said enrolled bill in the office of the Secretary of State.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom was referred

A bill, No. 54, to extend the jurisdiction of justices of the peace, reported that the committee had had the same under consideration, and had instructed him to report the same without amendment and to recommend its passage.

Mr. Goodall moved to amend said bill by striking out the word "a" in the first section and third line, and insert in lieu thereof the word "any."

Which amendment was adopted.

Mr. Glenn moved to amend the bill by striking out of the first section the words "two hundred dollars to five hundred dollars," and insert in lieu thereof "any sum."

And the question being taken on said amendment, it was determined in the negative,

Yeas,

17

Nays,

53

The ayes and nays being called for by Mr. Glenn, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bledsoe, Boddie, Bond, Burrus, Duggan, Fisher, Glenn, Goodall, Goode, Hodsden, Humphreys, Morris, Rodgers, Scott, Sheriff, Trice, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bobo, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Garner, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morrow, Nave, Rawlings

Richardson, Roach, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer. So said amendment, offered by Mr. Glenn, was rejected.

Mr. Huddleston, moved to amend said bill by striking out the second section.

Pending the discussion on the amendment offered by Mr. Huddleston, the House adjourned.

FRIDAY, NOVEMBER, 3rd, 1844.

The House met pursuant to adjournment.

The House took up the unfinished business of yesterday, pending when the House adjourned on last evening; which was the consideration of the motion made on yesterday, by Mr. Huddleston, to strike out the second section of the bill, No. 54, entitled:

A bill, No. 54, to extend the jurisdiction of justices of the peace.

Mr. Avery moved to amend said bill, by adding the following proviso, to the second section.

Provided, That neither party shall be entitled to the right of trial by jury for any amount over twenty dollars if they desire it, and that the justice be hereby required to order the summons of a jury of twelve good and lawful men to try the same, which is not to take effect upon the trial of any cases of debts on contracts made prior to the 1st of January, 1844.

Mr. Cross of Madison moved the indefinite postponement of said bill and amendments.

And the question being taken on the indefinite postponement, it was determined in the affirmative,

Yeas,	30
Nays,	31

The ayes and noes being called for by Mr. Farquharson and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsee, Boddie, Bond, Brooks, Burns, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Crouch, Cradup, Edwards, Glina, Goode, Gordon, Hamilton, Hod-den, Hotel, Houson, Jordan, Kinney, Marr, Murrey, Morris, Rawlings, Richardson, Roach, Rodgers, Scott, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bebo, Carson, Cross of Sullivan, Deavenmont, Dearing, Duggan, Eckenb. Farquharson, Fisher, Garner, Huddell Huddlestons, Hughes, Humphreys, Linderdale, Lenoir, Miller of Henderson, Miller of Marshall, William, Moxes, Morrow, Nye, Sheriff, Smart, Tice, Turney, Wann, Wheeler, and Williams.

Said bill and amendment were indefinitely postponed.

On motion of Mr. Miller of Hardeman,
Ordered that Mr. Trout have leave of absence from this House until Monday next.

On motion of Mr. Smart,

Leave was granted to the Committee on the Lunatic Asylum, to visit said institution on this evening, during the session of the House, in order to be enabled to make their report to this House.

On motion of Mr. Bledsoe,

Ordered that Mr. Boone have leave of absence from this House until Monday next.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution, No. 65, to go into the election of Attorneys-General; to fill all vacancies that have occurred, or may occur during the present session.

Which is herewith transmitted, and the concurrence of the House therein requested.

They have also read a third time and passed:

A bill, No. 43 to repeal so much of an act, chap 33, sec. 26, passed 28th January, 1840, as allows the commissioners of common schools to apply for and receive the moneys due and appropriated to their respective districts.

Which is herewith transmitted, and the concurrence of the House therein requested.

The Senate have taken up and considered the House amendment to Senate's resolution, No. 63, directory to the Comptroller of the Treasury, authorising him to settle with the Sheriff of Marion county, &c.; in which amendments of the House the Senate concur, with an amendment thereto, herewith transmitted, in which amendment of the Senate the concurrence of the House is requested.

Said amendment of the Senate was read as follows:

Insert the words "and Bledsoe" after the word "and Bradley" in the body and caption of said resolution.

Which amendment was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers moved to reconsider the vote of the House this day, in definitely postponing:

A bill, No. 54, to extend the jurisdiction of justices of the peace.

Which motion to reconsider was laid on the table.

On motion of Mr. Moores,

Ordered that he have leave to withdraw a resolution, No. 83, submitted by him on the 1st inst., directory to the Committee on the Lunatic Asylum.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred:

A bill, No. 60, to establish a criminal court in Shelby, reported said bill with an amendment in lieu of the 11th section of the bill, and with said amendment recommended the passage of the bill.

Said amendment was thereupon adopted.

Said bill as amended was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred:

A resolution, No. 77, directory to said committee, in relation to certain allowances to entry takers and surveyors, south and west of the congressional reservation line, reported favorably to the objects of said resolution, and also reported:

A bill, No. 114, to amend and explain the act of 1842, chap. 34, and recommend the passage thereof.

Which bill was read a first time and passed.

Mr. Gordon, from the Committee of Ways and Means, to which had been referred a resolution, No. 23, directory to said committee, on the subject of reducing the salaries of the public officers of this State, submitted the following report:

The majority of the Committee of Ways and Means, to which was referred resolution, No. 23, recommending a reduction of all the salaried officers of the State, have had the same under consideration and being unable unanimously to agree as to the propriety of the policy of said resolution, have instructed me in behalf of the majority to report the following as their views.

POWHATAN GORDON.

They propose to reduce the salaries of the
Judges of Supreme Courts from \$1800 to \$1500, saving \$300;
Salaries of the circuit judges from \$1200, to 1300, saving \$200;
Salaries of Chancellors from \$1500 to \$1200, saving \$300;
Salary of Comptroller from \$2000 to \$1500, saving \$500;
Salary of Treasurer from \$1500 to \$1000, saving \$500;
Salaries of 14 Attorney Generals from \$125, each to 60, saving \$1750;

Salary of the keeper of the Penitentiary from \$1200 to \$1000, saving \$200;

Salary of assistant keeper of Penitentiary from \$620 to \$500, saving \$120;

Salary of clerks of the Penitentiary from \$620 to \$500, number not known;

Salary of assistants and turnkeys from \$320 to 200, number not known;
pay of members of the Legislature \$4 per day for 60 days, \$3 per day for the next 30 days, and 2 per day for the remainder of the Session;

Speaker of both branches of the General Assembly \$6 per day for 60 days, \$4 50 for the next 30 days, and \$4 per day for the remainder of the Session:

Clerks and doorkeepers a like reduction on their salaries, making a reduction in salaries of about \$8000, in State salaries, exclusive of the large amount saved by graduating the pay of members of the Legislature, all of which they respectfully submit.

POWHATTAN GORDON,
JAMES LAUDERDALE,
GEORGE W. FISHER,
R. D. WHEELER.

Which was read, and
On motion of Mr. Maury,

*Ordered that said report be laid on the table:

The House took up

Senate's resolution No. 63, to appoint a joint select committee, to whom may be referred a petition signed by one hundred ladies, praying that the bounty on reeled silk and cocoons be continued.

Which resolution was read and concurred in by the House, and is as follows:

Resolved by the General Assembly, That a joint select committee of three members on the part of the Senate and six on the part of the House of Representatives, be appointed, to whom may be referred a petition signed by 100 ladies, praying that the bounty on reeled silk and cocoons be continued.

*Ordered that the clerk acquaint the Senate therewith.

The House took up

Senate's resolution, No. 65, which was read at the clerk's table as follows:

Resolved, That the Senate meet the House of Representatives in the Hall of the latter, on Tuesday, the 7th inst., for the purpose of electing Attorney-General, in all the circuits where vacancies have occurred or may occur during the present session.

Which resolution was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The Speaker of the House signed an enrolled resolution, appointing E. G. Eastman and L. Gifford, public printers.

Ordered that the clerk transmit the same to the Senate.

The House took up

A bill from the Senate, No. 43, to repeal so much of an act, chap. 53, sec. 26, passed 28th January, 1840, as allows commissioners of common schools to apply for and receive moneys due and apportioned to their respective districts.

The House took up

A bill from the Senate, No. 66, to incorporate the Jackson, Somerville, and Memphis Turnpike company.

Which bills were severally read a first time and passed.

Mr. Dearing introduced,

A bill, No. 115, to relieve the people this State.

Mr. Crudup introduced,

A bill, No. 116, to incorporate the Buffalo Academy, in the county of Perry.

Mr. Rodgers introduced,

A bill, No. 117, to authorise A. K. Parker, John Gillentine, and N. M. Gillentine, to open a turnpike road.

Mr. Rodgers introduced

A bill, No. 118, prescribing the method of publishing orders of courts.

Mr. Rodgers introduced

A bill, No. 119, to give the county courts certain powers.

Mr. Humphreys introduced,

A bill, No. 120, to authorise the county courts to make appropria-

tions to pay the services of officers to the county courts under the old constitution.

Which bills were severally read a first time and passed.

Ordered that said last mentioned bill, No. 120, be referred to the Committee on the Judiciary.

Mr. Moores, who had withdrawn for amendment resolution No. 83, directory to the Committee on the Lunatic Asylum, returned the same with an amendment in lieu of the whole resolution from the word "resolved."

Which amendment was agreed to by the House.

The resolution as amended was then adopted.

The House took up,

Senate's amendment to amendment of the House to Senate's resolution, No. 63.

Which amendment of the Senate was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up resolution No. 83, directory to the Committee of Ways and Means, in relation to taxing auctioneers, which was submitted on the 1st inst. by Mr. Moores.

Which resolution was read and adopted.

The House took up a resolution of the Senate, No. 35, in relation to the amendment of the constitution of the State of Tennessee so that Bledscoe and Marion counties shall come under the general provisions in forming new counties.

And the question being taken, "Shall the resolution pass?" it was determined in the affirmative.

Yeas

55

Nays

6

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledscoe, Bobo, Boddie, Brooks, Burris, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deaversport, Dearing, Daggan, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hamilton, Hord, Houston, Huddleston, Humphreys, Kinney, Lauderdale, Marr, Maury, Miller of Marshall, Milligan, Moores, Morris, Nave, Rawlings, Rodgers, Scott, Sherrill, Tice, Trimble, Turner, Turney, Walker of Hickman, Warr, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Farquharson, Goode, Miller of Hardeman, Richardson, and Tyler.

So said Senate's resolution, amendatory to the constitution, was passed in this House on its first reading.

Mr. Crudup submitted the following resolution, No. 85:

Resolved, That this House shall meet every morning at 9 o'clock; and no motion to adjourn shall be in order until 12 o'clock; the House shall meet every evening at 2 o'clock, P. M., and a motion to adjourn shall not be in order until 5 o'clock, P. M.

Which resolution was read and laid on the table.

Mr. Coggin, who had withdrawn for amendment,

A bill, No. 56, to regulate the time of working on public roads, returned the same with the following amendment thereto, construing the second section of the bill:

Sec. 2d Be it enacted, That when any person shall be designated by the county court to work on any public road, such person shall not be compelled to work on any other road within 12 months from the time they are designated; provided such person does not change his residence during the term of the twelve months from the time they are so designated.

Which amendment was rejected by the House.

Said bill was then read a second time and rejected.

The House took up a resolution, No. 82, directory to the Committee on Education and Common Schools in relation to the expediency of granting legislative aid for the education of the blind.

Which resolution was read and adopted.

Mr. Sherrill introduced

A bill, No. 121, to restore Sherwood Brake, of Bledsoe county, to the privilege of citizenship.

Which was read a first time and passed.

On motion of Mr. Nave,

The House took up the motion made by Mr. Coggin, on the 30th ult. to reconsider the vote of the House, of the 27th ult. rejecting

A bill, No. 43 to amend the revenue laws of this State.

Which motion to reconsider was agreed to by the House.

Mr. Kinney moved to amend the bill by adding to the 3d section the following proviso:

Provided, That the trustee of any county, shall perform all the duties of sheriff and coroner of any county in this State when there shall be no sheriff or coroner elected or appointed for said county.

Which amendment was rejected.

Said bill was thereupon again put upon its second reading, and was rejected.

Mr. Fairbairn submitted the following resolution, No. 86:

Resolved, That the Committee on the Judiciary be and they are hereby instructed to inquire,

1st. The number of cases tried in the criminal court for the county of Davidson.

2d. The average length of the sessions of said court.

3d. The amount of fines and forfeitures accruing to the State or to any fund of the State from said court.

4th. The cost of said court to the State if any, and whether the interest of the State and a judicious system of retrenchment would not suggest a discontinuance of said court.

And that the Committee have leave to report at an early day.

Which resolution was read and laid on the table.

The House took up

A bill, No. 21, to repeal part of the 12th section of the act of 1779, chap. 10, establishing ordinaries and tippling houses and the amendment reported by the select committee, in lieu of the whole bill from the enacting clause.

Which bill and amendment had been laid on the table on the 31st of October.

After discussion thereon,

On motion of Mr. Speaker Barringer, (Mr. Poddie in the chair,)

Said bill and amendments were laid on the table.

Mr. Anderson moved a reconsideration of the vote of the House on this day rejecting

A bill, No. 56, to regulate the time of working on public roads.

Which motion to reconsider, was laid on the table.

The House then adjourned.

SATURDAY, NOVEMBER 4th, 1843.

The House met pursuant to adjournment.

Mr. Duggan presented a petition, No. 57, of Moses Netherton and sundry other citizens of the county of Cocke, praying the Legislature to pass an act authorising Moses Netherton to retail spirituous and other liquors without license.

Which petition was read and ordered to be referred to the select committee on tippling and tippling Houses.

Mr. Reach presented a petition, No. 58, from 179 citizens of Wilson county, praying the Legislature to pass an act authorising Robert M. Baskins to hawk and peddle in this State free from license.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Miller of Hardman presented the petition, No. 59, from sundry citizens from the counties of Fayette, Madison, and Haywood, praying the Legislature to pass an act incorporating a turnpike company and ferry across Hatchie River at Alwood's old steam mill.

Which was read and laid on the table.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred a petition, No. 48, from sundry citizens of the county of Maury, Hickman, Lawrence, and Wayne, praying for the establishment of a new county, reported that the committee had had the same under consideration, and had instructed him to report in favor of said petition and to report.

A bill, No. 122, to establish the county of Lewis.

Which bill was read a first time and passed.

Mr. Tyler, from the Committee on Agriculture and Manufactures, to which had been referred a petition, No. 25, of sundry persons of Davidson county, and also petition, No. 46, of sundry citizens of Rutherford county, praying the continuance of Legislative protection on the culture of silk, reported that the committee had the same under consideration and had instructed him to report that the prayer of the petitioners was unreasonable and ought not to be granted.

Mr. Carson moved that the House now concur with the report of the committee.

On motion of Mr. Peck,

Ordered that the report of said committee and petitioners be referred to the joint select committee on the culture and manufactories of silk.

Mr. Speaker announced to the House the appointment of Messrs. Carson, Kinney, Walker of Williamson, Tyler, Luce, and Cherry to be of the joint select committee on the culture and manufacture of silk on the part of the House.

Mr. Hodsdee, from the Committee on Education and Common Schools, to which had been referred,

A bill, No. 8, from the Senate; to abolish the office of Superintendent of Public Instruction,

Reported the same without amendment;

Which bill was then read a second time and passed;

The House took up House bills of the following titles:

A bill, No. 42, for the benefit of John H. Carmichael and Benjamin Rains.

A bill, No. 51, to attach McNairy county to the district of the Chancery court of Savannah.

A bill, No. 55, to authorize the trustees of Rhea Academy to appoint an additional number of trustees.

A bill, No. 57, to restore Daniel McVay, of Claiborne county, to the rights of citizenship; and

A bill, No. 85, to appoint an agent to collect damages on school lands.

Which bills were severally read a third time and passed.

Ordered that the clerk engross said bills and transmit the same to the Senate.

The House took up bills of the House of the following titles:

A bill, No. 49 for the benefit of endorsers, securities, and stayors;

A bill, No. 53, to provide for the dismissal of suits in certain cases;

A bill, No. 60, to establish a criminal court in Shelby county;

A bill, No. 67, to reincorporate the inhabitants of the town of Smithville, in the county of De Kalb;

A bill, No. 74, to prevent suits from being instituted, in certain cases, a second time upon the same evidences of debt;

A bill, No. 79, to annex a portion of the southeast corner of Williamson county to the county of Rutherford;

A bill, No. 80 for the relief of the heirs of Thomas Maxwell, deceased, of Bouquet county;

A bill, No. 90, to extend the corporate limits of the town of Greenville, in the county of Green; and

A bill, No. 93, to restore John B. Howard to the rights of citizenship.

Which bills were severally read a third time and laid on the table.

The House took up

A bill, No. 41, to reduce the expenses of the State.

Which bill was read a third time.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative.

Yeas

63

Nays

5

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Burton, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison,

Cross of Sullivan, Crouch, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodell, Goode, Gordon, Hamilton, Hodsden, Hoed, Houston, Huddleston, Hughes, Humphreys, Jourdon, Kinney, Lauderdale, Lenoir, Maury, Miller of Herdeman, Milligan, Moores, Morris, Morrow, Nave, Polk, Richardson, Roach, Scott, Sherrill, Smart, Trice, Friable, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wan, Wheeler, Williams, and Mr. Speaker arranger.

Those who voted in the negative are,

Messrs. Brooks, Marr, Miller of Marshall, Rawlings, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk engross said bill and transmit the same to the Senate.

The House took up

A bill, No. 23, to establish the 23d brigade of Tennessee Militia.

Which bill was read a third time and passed.

The title of the bill was thereupon amended so as to read

A bill to attach the 141st regiment of Tennessee Militia, to the ninth brigade.

Ordered that said bill be engrossed and transmitted to the Senate.

A message from the Senate, by Mr. Cooke, their Clerk:

MR. SPEAKER: The Senate have taken up and passed on its third reading,

A bill, No. 47, to repeal the 3rd section of the act of 1817, chapter 77

Which is herewith transmitted and the concurrence of the House of Representatives is therein requested.

The Senate have also taken up and considered a resolution from the House, No. 76, directors to the president, directors, cashiers, clerks, and officers of the Bank of Tennessee and Branches, in which Resolution the Senate concur, with an amendment thereto, in lieu of the whole.

Which resolution and amendment is herewith transmitted and the concurrence of the House therein requested.

The Senate has taken up and passed on its third reading,

A bill, No. 15, to establish two terms of the circuit court's annually, to diminish expenditures in the administration of justice, and for other purposes.

They have also taken up and passed on its third reading,

A bill, No. 44, to establish a criminal court in the city of Memphis, in Shelby county.

Which bills have been severally engrossed and are herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have taken up and passed on its third reading,

A bill from the House, No. 18 to amend and make uniform the attachment laws of this State, with sundry amendments thereto.

Which bill as amended is herewith transmitted and the concurrence of the House therein requested.

The House took up

A bill from the Senate, No. 94, to revive spring musters.

Which bill was read a third time.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative.

Yeas

42

Nays

24

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsee, Burrus, Cheatham, Coggin, Crouch, Duggan, Edwards, Eubank, Farquharson, Fisher, Goode, Gordon, Hamilton, Hodsden, Hold, Houston, Hudleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Miller of Marshall, Moores, Moonman, Morris, Polk, Richardson, Roach, Sherrill, Smart, Trimble, Turney, Tyler, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Bond, Brooks, Carson, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Dearing, Garner, Goodall, Manny, Miller of Hardeman, Milligan, Morrow, Nave, Rawlins, Rodgers, Scott, Trice, Turner, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House.

Ordered that the Clerk acquaint the Senate therewith.

The House took up,

A bill from the Senate, No. 50, to vest in the circuit courts the power to restore certain persons to the rights of citizenship.

Mr. Carson moved to amend said bill by striking out "one year" and insert in lieu thereof "two," which was rejected.

Which bill was read a second time and passed.

The House took up

A bill, No. 25, to divide the academy fund of Carroll academy, in the county of Warren, between said academy and the Edmondson Female academy in said county.

Which was read a third time and laid on the table.

On motion of Mr. Farquharson,

Ordered that he have leave to withdraw,

A bill, No. 58, from the Senate, to amend the militia laws of this State, for amendment.

The House took up,

A bill, No. 60, to amend an act passed 28th December, 1837, chap. 13, for the benefit of widows.

Which bill was read a third time, and

On motion of Mr. Lenoir,

Ordered that he have leave to withdraw the same for amendment.

The House took up,

A bill, No. 70, to establish a male academy in the county of Macon.

Which was read a third time.

Mr. Moores offered the following amendment constituting an additional section to said bill:

Be it further enacted, That four hundred and eighty dollars, the distribution share of the academy fund allowed for two years to Ocoee

academy, in Powell county, by the act passed 27th January, 1840, if the amount should be in the treasury unappropriated, be and the same is hereby set apart and allotted to Macon academy, in the county of Macon, and that the Comptroller of the Treasury pay over a sum of money to the trustees of Macon academy when application is made for the same after the academy is organized according to the provisions of this act.

Ordered that said bill and amendment be laid on the table.

The House took up,

A bill, No. 71, for the relief of James Berry and others.

Which was read a third time, and

On motion of Mr. Black,

Ordered that said bill be referred to the Committee on Claims.

The House took up,

A bill from the Senate, No. 26, to repeal the act of 1833, chap. 64, in reference to colonization.

Which bill was read a third time.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative,

Yeas.

63

Nay

1

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Burruss, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Haddison, Hodgeson, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Shell, Smart, Trice, Trimble, Turner, Turnev, Tyler, Walker of Williamson, Wan, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

The negative vote was,

Mr. Morr

So said bill passed its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up,

Asbill, No. 73, for the relief of Joseph Newman, sheriff of Franklin county.

Which bill was read a third time.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative,

Yeas

46

Nays

22

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Brooks, Cheatham, Cherry, Coggin, Cross of Sullivan, Crouch, Dearing, Edwards, Farquharson, Fisher, Garner, Glenn, Gordon, Hodgeson, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Miller of Marshall, Milligan, Moores, Morris, Morr

Mr. Polk, Rawlings, Rodgers, Scott, Sherrill, Smart, Turner, Turney, Tyler, Walker of Hickman, Wyley, and Mr. Speaker Barringer. Those who voted in the negative are,

Messrs. Bond, Burrus, Carson, Cleaveland, Cross of Madison, Duggan, Eubank, Goodall, Goode, Hamilton, Jourdan, Mauy, Miller of Hardeman, Nave, Richardson, Roach, Trice, Trimble, Walker of Williamson, Wann, Wheeler, and Williams.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Books moved to reconsider the vote of the House just taken passing a bill, No. 73, for the relief of Joseph Newman, Sheriff of Franklin county.

Which motion was disagreed to by the House.

The House took up,

A bill, No. 75, to incorporate the town of Randolph, in the county of Tipton.

Mr. Glenn moved to amend said bill by inserting after the words "county of Tipton," in the fourth line of the 1st section, the words "and the inhabitants thereof;" and also to insert after the word "incorporated," in the 5th line of said section, the words "under the name and style of the Mayor and Aldermen of the town of Randolph."

Which amendment was adopted.

Said bill as amended was then read a third time and passed and ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Morris,

Ordered that Mr. Deavenport have leave of absence until Tuesday next.

The House took up,

A bill from the Senate, No. 24, to exempt from execution five head of sheep on the contingency specified in this act.

Ordered that said bill be laid on the table.

Mr. Farquharson submitted the following preamble and resolution, No. 87:

Whereas, R. P. Cuzen, Esq., late superintendent of public instruction, in his report dated 11th October, 1841, states that "there is a debt owing from the Nashville Bank balance due principal and interest to 1st of September last, about the sum of thirty-one thousand eight hundred and fifty dollars." And whereas, Scott Terry, Esq., present superintendent, in his report dated 19th October, 1843, states the balance due from the county of Davidson on the first day of October, 1843, at forty-three thousand one hundred and fifty-seven dollars and 52 cents; therefore

Resolved by the General Assembly of the State of Tennessee: That the superintendent of public instruction be and he is hereby required to report to the General Assembly at its present session the amount and character of the balance due the school fund from the county of Davidson from any individual or corporation therein, classing such claims as good, doubtful, or bad, as the case may be, and that the superintendent report what steps have been taken and what course can be pursued to secure the collection of said claims; and that said superintendent also

report the amount and character of the balance due from the several counties in the State, classing the same as he may be informed; and that the report required shall be made as soon as practicable with a view to the passage of a law to authorize the proper authorities to compromise doubtful claims, to force collections by indemnifying officers, and to bid for property of such for sale.

Which preamble and resolution was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers submitted the following resolution, No. 88:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to the trustees of the county of Fentress for the sum of nine y o r dollars and ninety one cents the ballance due said county for comm on school money for the year 1840, as shown by the report of the county superintendent of public instruction, Robt. P. Curren, Esq.

Mr. Gode submitted the following resolution, No. 89:

Resolved, That the Committee on the Judiciary be instructed to examine and report into the necessity and expediency of making further provisions by law to defray the expenses of the removal of prisoners, either for trial in the Supreme Court of the State or in any other cases when such removal shall be ordered by any of the courts of this State, and when provision is not always sufficiently made for the payment of such expenses, and that said committee report by bill or otherwise.

Mr. Holsen submitted the following resolution, No. 90:

Resolved, That the superintendent of the Penitentiary be required to report without delay the amount paid annually for the support of prisoners and whether they cannot be kept for less in future, and also whether the Penitentiary affords any profit to the State; and if so how much.

Which resolutions were severally read and laid on the table.

Mr. Cheatham presented the petition, No. 60, of 542 citizens residing in the fractional parts of Robertson, Montgomery, Davidson, and Dickson counties praying the establishment of a new county.

Mr. Cheatham also introduced,

A bill, No. 122 to establish the county of Cumberland.

Which bill was read a first time and passed.

On motion of Mr. Cheatham,

Ordered that said bill and petition be referred to the Committee on New Counties and County Lines.

The House then adjourned until Monday morning 9 o'clock.

MONDAY, NOVEMBER 6th, 1843.

The House met pursuant to adjournment.

Mr Bobo presented the petition, No 61, from the sheriff and other citizens of Coffee county, praying Legislative relief for Robert E. Laffler, Sheriff of said county of Coffee.

Which was read and referred to the Committee on Claims.

Mr. Williams presented the petition, No. 62, of the members of the Young Men's Literary Society of Knoxville, praying for an act of incorporation.

Which was read and referred to the Committee on Education and Common Schools.

Mr. Goode presented a petition of sundry citizens of Giles county, praying an amendment to the occupant laws of this State.

Which was read and referred to the Committee on Public Lands.

Mr. Alexander submitted the following preamble and resolution, No. 91 :

Whereas, by an "army order" issued from the Adjutant General's office, at the city of Washington, on the day of July, 1842, a long established system of Military organization was abolished and a government of "Divisions" under Adjutant Generals, was superseded by multiplying inferior "departments" with limited powers of command and thereby reducing the authority and emoluments of a veteran chief, who had signalized his talents and successfully defended his country amid many perils and against fearful odds:

And whereas, the effects of such radical changes upon the rank and dignity of General officers, when they are not demanded by the most urgent and unanswerable public necessity must be to humble the pride of the soldier and weaken his respect for his superiors and his attachment to an honorable, dangerous, and arduous profession.

And whereas, it is at all times the duty of every community to remonstrate against acts of authority that violate the rights or trespass upon the just sensibilities of its members, and to insist upon redress and restoration.

And whereas, Edmund P. Gaines, a citizen of the State of Tennessee, and a Major General in the army of the United States, eminent for his valor and his great achievements, has, by the unwarrantable exercise of authority, been virtually deprived of his rank and emoluments, and reduced in station and command; therefore,

Resolved by the General Assembly of the State of Tennessee, That the Army Order aforesaid, No. 40, of the — day of July, 1842, is not justified by any of the reasons upon which it is bottomed, and is altogether indefensible as inflicting an act of injustice on a brave, patriotic and distinguished commander.

Resolved, That the Senators in the Congress of the United States from the State of Tennessee be instructed, and the Representatives requested, to vote for a law abolishing said Army Order, and restoring Major General Edmund P. Gaines to the rank, station, command, and emolument enjoyed by him at the date thereof.

Mr. Morrow submitted the following preamble and resolution, No. 32:

Whereas the General Assembly of the State of Tennessee are deeply sensible of the value of a direct communication and reciprocal trade between Tennessee and the Southern Atlantic cities; and whereas, the authorities of the State of Georgia have prosecuted with commendable energy and patriotism, almost to completion, the Western and Atlantic Railroad, terminating on the Tennessee river at Chattanooga in this State, and which when completed will furnish a communication between a portion of this State, and the cities of Savannah and Charleston; and whereas, it is desirable, as far as practicable, to extend the advantages of such communication to the interior and central portions as well as the borders of this State; therefore,

Resolved by the General Assembly of the State of Tennessee, That the interest which the State of Georgia has taken in her works of internal improvement, and the energy with which she has more especially prosecuted the extension of the Western and Atlantic Railroad to the Tennessee river at Chattanooga, evince a foreseeing patriotism and legislative wisdom which secures to her in an eminent degree the respect and admiration of the Representatives of the people of Tennessee.

Resolved, That the Committee on Internal Improvements be and they are hereby instructed to inquire into the expediency of making a survey by engineers for the further extension of said Western and Atlantic railroad from its present termination at Chattanooga, to the City of Nashville, and they make a report to the next session of this General Assembly.

Resolved, That a copy of the foregoing preamble and resolution be communicated by the Governor of this State to the Governor of Georgia, with a request that they be laid before the Legislature of that State and that the authorities of the State of Georgia be respectfully requested to prosecute to completion at as early a day as practicable the said Western and Atlantic railroad to the Tennessee river, at Chattanooga.

Mr. Cleveland submitted the following preamble and resolution:

Whereas, it is well known that property sold by the authority of executions, does not bring any thing, or at most but very little, and after sold, does not pay the officers cost; therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law giving redemption on all species of property, and that they report by bill or otherwise.

Which preamble and resolutions were severally read and laid on the table.

Mr. Maury, from the Committee on Enrolled Bills reported as correctly engrossed bills of the following title:

A bill, No. 23, to attach the 141st regiment of Tennessee militia to the ninth brigade.

A bill, No. 41, to reduce the expenses of the State.

A bill, No. 42, for the benefit of John Carmichael and Benjamin Rains.

A bill, No. 51, to attach McNairy county to the district of the chancery court at Savannah.

A bill, No. 55, to authorize the trustees of Itchen academy to appoint an additional number of trustees.

A bill, No. 57, to restore Daniel McVey, of Claiborne county, to the privilege of citizenship.

A bill, No. 73, for the relief of Joseph Newman, sheriff of Franklin county.

A bill, No. 75, to incorporate the town of Randolph in the county of Tipton.

A bill, No. 83, to appoint an agent to collect damages on school lands—and found the same to be duly engrossed.

Ordered that the same be transmitted to the Senate, and their concurrence therein requested.

Mr. Maury, from the Committee on Enrolled Bills, reported that said committee had examined an enrolled bill, entitled:

"An act to repeal the 3d section of the act of 1817, chap. 77," and found the same to be duly enrolled.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the same be transmitted to the Senate, for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cooke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution of the House, No. 87, requiring information from the superintendent of Public Instruction, in which resolution the Senate have concurred, and the same is herewith transmitted.

The Speaker of the Senate has signed an enrolled bill from House, entitled:

An act to repeal the 3d section of the act of 1817, chap. 77.

Which enrolled bill is herewith transmitted to the House.

Ordered that the clerk deposit the same in the office of the Secretary of State.

On motion of Mr. Bobo,

Ordered that a petition, No. 34, for the relief of Joshua Jones, of the county of Coffee.

Which petition was read and laid on the table on the 26th of October 1843, be referred to the Committee on Claims.

Mr. Cross of Madison introduced

A bill, No. 124, to establish West Tennessee College at Jackson.

Mr. Coggin introduced

A bill, No. 125 to reduce the salaries of the public officers of this State.

Mr. Rodgers introduced

A bill, No. 127, to define the eastern boundary line of Putnam county.

Mr. Miller of Hardeman introduced

A bill, No. 128, to provide for the payment for record books and stationery of the Supreme Court.

Mr. Speaker Battinger, Mr. Walker of Williamson in the chair, introduced the following bills, to wit:

A bill, No. 122, for the benefit of garwinkees, in certain cases;

A bill, No. 131, for the benefit of stayors in execution; and

A bill, No. 130, to amend the act of 1787, chapter 19.

Which bills were severally read a first time and passed.

Mr. Huddleston introduced,

A bill, No. 126, to reduce the salaries and compensations of officers and judges of this State.

Mr. Polk moved that so much of said bill as refers to the salaries of the officers of the penitentiary, be referred to the Committee on the Penitentiary, and the remainder of said bill be referred to the Committee on the Judiciary.

Which motion was agreed to by the House.

Mr. Williams introduced,

A bill, No. 128, to incorporate the Young Men's Literary Society of Knoxville.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Trimble introduced,

A bill, No. 123, to amend the act of 1835, chapter 68, section 1, defining the incompetency of Judges in certain cases.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Farquharson, who had withdrawn for amendment, a bill from the Senate, No. 58, to amend the militia laws of this State, returned the same with an amendment thereto, constituting the 2d and 3d sections to the bill.

On motion of Mr. Gordon,

Said bill and amendment were laid on the table.

Mr. Speaker Barringer presented a report, No. 7, from the Comptroller of the Treasury, in relation to the decree of the chancery court at Knoxville, in favor of the Louisville, Cincinnati, and Charleston railroad company.

Which was read and ordered to be referred to the Committee on the Judiciary.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled resolution entitled a resolution directory to the Comptroller of the Treasury authorizing him to settle the accounts of the sheriff of Marion, Bradley, and Bedford counties, and the county court clerk of Blount county for the taxes due the State for the year 1842.

Which enrolled resolution is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Gordon,

The House took up the Senate's amendment in lieu of the resolution of the House, No. 76, directory to the Presidents, Directors, Cashiers, Clerks, and Officers of the Bank of Tennessee and Branches.

Which amendment was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That there shall be a board of commissioners appointed from each bank district in the State whose duty it shall be to examine respectively as belongs to its district the Bank of Tennessee at Nashville and each branch thereof and report to the General Assembly in the earliest practicable time as to the following points and in the following manner:

- 1st. The amount of gold and silver and how distributed.
- 2d. The amount of notes of other banks and what their value when taken and what their present value.
- 3d. The amount of property and its kind, what change in its value since received.
- 4th. The amount of notes and bills which are undoubted and not in suit.
- 5th. The amount of suspended debt.
- 6th. The amount in suit and what proportion in judgment and when returnable.
- 7th. The amount of suspended debt that is considered good.
- 8th. The amount of suspended debt that is doubtful, original of same, the renewals, names, and date.
- 9th. The amount of suspended debt that is desperate, original of same, different renewals, names, and dates.
- 10th. The expense account, the amount paid for each and every service.
- 11th. The amount of funds and assets at foreign points, as well as every character of assets not herein enumerated.
- 12th. The amount of circulation.
- 13th. The amount due to depositors.
- 14th. The amount due to other banks and when.
- 15th. The amount due to schools and academies each.
- 16th. The amount due to internal improvement.
- 17th. What per cent. profit made each year.
- 18th. Whether any extraordinary favoritism has been practised or political influence brought to bear or sought to be extended on the business of the Bank, and if any report the circumstances; and that said commissioners report also a statement of the debts of all kinds due to the bank, classified with a regard to the amount of said debts, to wit:

What number of said debts exceed the sum of \$20,000; what number a less sum than \$20,000 and more than \$15,000; what number a less sum than \$10,000 and more than \$5,000; what number less than \$5,000 and more than \$2,500; what number a sum less than \$2,500 and more than \$1,000; what number a sum less than \$1,000 and more than \$500; and what number for a less sum than \$500; and whether or not any director has received discounts for a greater sum than two thousand dollars, the amount fixed by the Legislature as the maximum amount for directors to receive; whether or not any persons have been allowed to overcheck or to draw any money in any other than in a legitimate manner, all other liabilities not embraced in these items, together with any suggestions it may be found necessary to make.

Resolved further, That the boards of commissioners, shall be ap-

pointed by the Legislature, who, before entering upon said examination, shall be sworn by some judge or justice of the peace to make a faithful and full examination and report and in the earliest practicable time as above stated.

Resolved, That said boards of commissioners be composed each of three persons selected as above provided, and that they have power to send for persons and papers as they choose and deem necessary.

Resolved further, That in the event any one or more of the commissioners herein appointed refuse to serve, cannot, or from any cause do not serve, it shall be the duty of the Judge of the Circuit Court in the particular district to appoint others to fill any such vacancy, and that all persons brought before the commissioners shall be sworn by one of said commissioners, any one of whom is hereby empowered to administer such oath, and that the following persons be appointed to make the investigation and report, to wit:

FOR ATHENS DISTRICT.

David Campbell, Knoxville; J. G. M. Ramsey, Knox county, and Luke Lea, Sen., Bradley county.

ROGERSVILLE DISTRICT.

Merriman Payne, Greene county; Clinton Armstrong and George R. Powell, Rogersville.

SPARTA DISTRICT.

Thomas L. Bransford, Jackson co.; James P. Thompson, Warren co.; Isaac Taylor, White co.

SHELBYVILLE DISTRICT.

Micah Taul, Franklin co.; Thomas M. Caldwell, Bedford co.; James Fulton, Lincoln co.

NASHVILLE DISTRICT.

Joseph Norvell, Davidson co.; William Ledbetter, Rutherford co.; Thomas Barry, Sumner co.

COLUMBIA DISTRICT.

Hillory Langtree, Maury co.; Franklin Buchanan, Lawrence co.; Russel Houston, Maury co.

CLARKSVILLE DISTRICT.

Mathew M. Kerr and John Wisdom, Montgomery co.; Thomas J. Kerly, Dickson co.

SOMERVILLE DISTRICT

Leroy Pope, Shelby co., John H. Bills, Bolivar John B. Ware, Haywood co.

TRENTON DISTRICT.

Wm. M. Searcy, Carroll co.; J. M. Needham, Gibson co., Benjamin Talton, Obion co.

Resolved, That the Governor advise said commissioners of their appointment and send to them proper evidence of their authority to act, and that the Presidents, Directors, Cashiers, Clerks, &c., give to said commissioners all necessary assistance in their power for a full and fair investigation.

Resolved, That said commissioners be allowed three dollars per day each as a compensation for their services.

Mr. Huddleston moved to amend the Senate's amendment by striking out the name of "Isaac Taylor, of White county," as one of the commissioners for the Sparta district, and insert in lieu thereof the name of "Spencer M. Henry, of Overton county."

Which amendment was adopted.

Mr. Rodgers moved to amend said amendment of the Senate by striking out the name of "James P. Thompson of Warren county," as commissioner for the Sparta district, and insert in lieu thereof "Thomas Eastland, of White county."

Which amendment was adopted.

Mr. Carson moved to amend said amendment of the Senate by striking out the name of "Clinton Armstrong," as commissioner for the Rogersville district, and inserting in lieu thereof the name of "George Branner, of Jefferson county."

Which amendment was adopted.

Mr. Rodgers moved to strike out the names of all the commissioners for the Nashville district and insert in lieu thereof "a sub Committee of the Joint Committee on Banks."

Which amendment was adopted.

Mr. Tyler moved to strike out the name of "Thomas J. Kelly, of Dickson county," of the Clarksville district.

Which motion to strike out was agreed to by the House.

On motion of Mr. Cherry,

The blank was filled with the name of Allen J. Showwell, of Stewart county.

Mr. Tyler moved to strike out of Senate's amendment the name of "John Wisdom, of Montgomery county," as a commissioner for the Clarksville district, and insert in lieu thereof the name of "Martin Powell, of Robertson county."

Which amendment was adopted.

Mr. Cross of Madison moved to strike out "William W. Searcy, of Carroll county," commissioner for the Trenton district, and insert in lieu thereof the name of "Galo H. Kile, of Madison county."

He called for a division of the question.

Thereupon the question was taken on striking out and was determined in the negative.

Mr. Cross of Madison then moved to strike out the name of "Benjamin Talton, of Obion county," and insert in lieu thereof the name of "John C. Gillespie, of Gibson county."

Mr. Polk moved for a division of the question.

Thereupon the question was taken on striking out and was determined in the negative.

Mr. Morris moved to strike out of Senate's amendment the name of "Hillory Langtree," of Columbia district as commissioner, and insert in lieu thereof the name of "John McDaugh, of Wayne county."

Mr. Walker of Hickman moved for a division of the question.

Thereupon the question was taken on striking out and was determined in the negative.

Mr. Bond offered the following amendment to Senate's amendment, to be inserted at the end of the last resolution, to wit:

"And that each board of said commissioners be authorized to employ one clerk who shall be sworn by some judge or justice of the peace before entering upon his duties, and whose compensation shall be three dollars per day for each day's service."

And the question being taken on said amendment, it was determined in the negative.

Yeas

12

Nays

58

The yeas and nays being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bond, Bone, Cheatham, Crudup, Hodsden, Jourdan, Maury, Morrow, Richardson, Trimble, Tyler, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boddie, Brooks, Burtus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Farquharson moved to amend said amendment of the Senate by striking out of the last resolution but one, the words "and the Presidents, Directors, cashiers, clerks, &c., give to said commissioners all necessary assistance in their power for a full and fair investigation" and to insert in lieu thereof, the following amendment, to wit:

"*And be it further resolved*, That the President, directors, cashiers, and clerks of the said Bank of Tennessee, and the several branches thereof shall co operate with the said commissioners, being first duly sworn to a faithful discharge of the duties imposed, in the investigation proposed, and the result of said investigation shall be reported

General Assembly now in session, when there shall be a disagreement among the officers and directors of the Bank or among the commissioners, or between the officers and directors of any branch and the commissioners, the individual or individuals so disagreeing are hereby required to propose and transmit a separate report upon such point or points of disagreement together with such other matters as they may deem of importance to be known by the General Assembly and the people of the State; provided, that notice of such disagreement and separate report be given by the persons disagreeing to the opposite side."

And the question being taken on agreeing to said amendment, it was determined in the affirmative,

Yeas,

50.

Nays,

18.

The ayes and nays No. 97 being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Boho, Boddie, Brooks, Carson, Cheatham, Cherry, Coggin, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Warr, and Wyley.

Those who voted in the negative are,

Messrs. Biedsoe, Bond, Burrus, Cleaveland, Cross of Madison, Crutcher, Dearing, Goode, Hamilton, Hodsden, Jourdan, Lenoir, Richardson, Trimble, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was adopted.

Mr. Goode moved further to amend said amendment of the Senate by striking out the name of "Russell Houston, of Maury county," on account of his being a director of said branch, and to insert in lieu thereof the name of "Neil S. Brown, of Giles county."

Mr. Gordon moved a division of the question.

Which motion prevailing, the House thereupon agreed to strike out moved by Mr. Goode, and the blank was then filled with the name of Neil S. Brown, of Giles county.

And pending the discussion on said amendment of the Senate,

The House adjourned.

21

TUESDAY, NOVEMBER 7th, 1843

The House met pursuant to adjournment.

Mr. Walker of Williamson moved a suspension of the rule of House in relation to the order of business in order that the House proceed to the unfinished business pending on yesterday when the House adjourned.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed bills the following titles, to wit:

A bill, No. 25, to amend the law so as to prevent unnecessary accumulation of costs in the administration of justice.

A bill, No. 62, to repeal an act passed by the General Assembly of the State of Tennessee in the year 1832, chap. 22.

A bill, No. 63, to refund to White county the interest upon the common school fund, improperly paid over under the act of 1837-'38.

A bill, No. 68, to remove obstructions from public roads.

And a bill, No. 69, to impose a tax on the income derived from the privilege of vesting money by law and in stocks.

Which bills have been severally engrossed and are herewith transmitted and the concurrence of the House therein is requested.

The Senate have taken up and considered a resolution, No. 62, dividing the county of Perry, making the Tennessee River the county line.

Which resolution has been read a third time and passed, and said resolution has been engrossed and is herewith transmitted and the concurrence of the House therein is requested.

The Speaker of the Senate has signed enrolled bills of the following titles:

An act to revive spring musters.

And an act to repeal the act of 1833, chap. 63, in reference to colonization.

Which enrolled bills are herewith transmitted for the signature of the Speaker of the House of Representatives.

The House then took up the unfinished business of yesterday, being the Senate's amendment to the resolution of the House, No. 76.

Mr. Cheatham moved to amend the Senate's amendment by striking out all after the words "resolved by the General Assembly of the State of Tennessee," and insert in lieu thereof the following amendment, to wit,

"The President, Directors, Cashiers, Clerks, and other officers of the Bank of Tennessee and each branch thereof, be and they are hereby required as early as practicable, to report upon oath to the present General Assembly now in session, respectively and particularly as to the following particulars:

1st. The amount of gold and silver on hand, the amount of notes of other Banks, the value of such bank notes, when received, and the present value.

2d. The amount of notes and bills under discount and on hand.

3d. The amount of suspended debts.

4th. Table or schedule of notes and bills under discount with the amounts, dates, name or names of the makers or drawers, names of each endorser thereon, respectively, original of same, date, number of renewals, and other various changes up to the present time, the character of each of such notes and bills, whether good, doubtful, or bad.

5th. Table or schedule of notes and bills of suspended debts with the amount of each, the name or names of the maker or drawer, names of the endorser thereon, respectively, original of the same, date and number of renewals and their various changes up to the present time, the quantity of each of such notes or bills of the suspended debt whether good, doubtful, or bad, if in suit: when placed in suit, in whose hands for collection as attorney, if in judgment when obtained, have executions issued, if so, when, whether held up or not, if so, at whose instance, what action has been made upon the same, has the amount collected been paid over to the Bank, if not in whose hands retained and how much.

6th. What lands or other property has been received in payment of debts due said Bank and Branches respectively, when received, from whom, why received, value at which taken, present value, description of personal property received, if any, value at which taken, and present value, the amount of expenditures, if any, in the way of improvement and otherwise on such property.

7th. The amount paid for the purchase of lots, and the erection of buildings thereon, at the principal Bank and each of the Branches, for the use of such Banks respectively.

8th. The amount due from other Banks, and the character of such debts, whether good, doubtful or bad, if doubtful or bad, when were such debts contracted, and under what circumstances.

9th. The amount of State bonds purchased or discounted, when, from whom, at what value, and present value.

10th. The amount paid for expenses at the principal Bank and each of its Branches respectively, particularly specifying the amount paid for each service, or item of expense, and the aggregate amount for each year, since the organization of the Bank.

11th. The number and amount of notes and bills under protest and on hand, the name of the maker or drawer thereof, and the name of each endorser thereon, and where protested.

12th. Capital stock, sources from which received, and the amount from each source.

13th. Amount due to other Banks, and public officers.

14th. The amount of the sinking or contingent fund, in what way or from what source has the same been created, has the same been diminished, if so, when and on what account, state the amount of said sinking fund on the first of July, in each year, since the organization of the Bank, and the amount up to the time of the report.

15th. Gross profits made each year, also the nett profits and the amount paid in dividends each year, and on what account paid.

16th. The amount of notes payable at the Branches respectively, received from the principal Bank for circulation, when received, amount in circulation.

17th. Amount due to individual depositors.

18th. Has any interest at any time been paid to individuals for deposits in Bank, if so when, to whom, how much, and at what rate.

19th. Has any director either directly or indirectly, as maker or endorser, received discounts for a greater sum than 2000 dollars, the maximum amount fixed by the Legislature for directors to receive, if so how much, when discounted, and to what director.

20th. All other resources and liabilities, profits, and losses of every description, not embraced in the foregoing specifications, together with any information or suggestions which the respective boards may deem of importance to be known by this General Assembly, and the people of the State.

And whereas, a new organization of the Bank of Tennessee, will shortly take place by the appointment of new boards of directors, for the principal Bank and Branches, and whereas in the present exhausted state of the Treasury, no new or extraordinary expense shall be incurred that can be avoided consistently with the public interest, therefore, in order to avoid the heavy expense that would be necessarily incurred by the appointment of separate boards of Bank commissioners for each of the branches of said Bank,

Resolved, That a precisely similar report of particulars be, and the same is hereby, required to be made on oath, and reported to this General Assembly, now in session by the successors in office, of the present Presidents, Directors, Cashiers, Clerks, and other officers of the said Bank and its Branches, in order that the two reports may be compared, and the true condition of said Bank and branches may be ascertained.

Resolved further, That the several boards of directors of said Bank and Branches, shall have fully power and authority to send for persons and papers and to examine on oath all persons called before them in the investigation of the Bank, and such persons so attending shall receive the compensation of witnesses as is now allowed by law.

Pending the discussion on said amendment, Mr. Miller of Hardeman moved that the House take a recess of five minutes, to prepare the Representative Hall for the reception of the Senate in order to go into the election set apart for this day by joint resolution adopted by both Houses.

After which, the two Houses of the General Assembly met in convention in the Representative Hall, and proceeded to the election of an Attorney General for the 13th judicial circuit, Messrs. William V. R. Hallum, Andrew F. Goff, John C. Rodgers, Thomas H. Hopkins, and John A. Green, being in nomination as candidates for said office.

And after having taken the vote of the members of each House viva voce for three several times without making any election, neither of the candidates having received a majority of all the votes given by both Houses in said election;

Mr. Turney, Senator from White, moved to postpone further proceeding of the convention in said election, until half past two o'clock this afternoon.

Which motion prevailing,

Mr. Speaker and members of the Senate withdrew from the
 sentative Hall:

And then the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Cleaveland,

The House took up resolution, No. 93, directory to the Committee
 on the Judiciary: as to the expediency of allowing the right of redemp-
 tion on all species of property sold under execution.

Which resolution was read and adopted.

Mr. Trice introduced

A bill, No. 148, granting George G. Adams, J. L. Rushing, and
 James Kerr, Jr. a turnpike road.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Im-
 provements.

On motion of Mr. Crudup,

Ordered that he have leave to withdraw for amendment a resolution
 from the Senate, No. 53, dividing the county of Perry, making the
 Tennessee River the county line.

On motion of Mr. Walker of Hickman,

The House took up

A bill from the Senate, No. 15, to establish two terms of the Circuit
 Courts annually, to diminish expenditures in the administration of justice
 and for other purposes.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judici-
 ary.

On motion of Mr. Richardson,

The House took up

A bill, No. 45, to consolidate the offices of President of the Bank
 of Tennessee, and Treasurer of the State.

Which bill was read a first time and passed,

On motion of Mr. Crudup,

The House took up

A bill, No. 116, to incorporate Buffaloe Academy, in the county of
 Perry.

Which bill was read a second time and passed.

On motion of Mr. Alexander,

The House took up a resolution, No. 91, submitted by him on ves-
 terday, instructing our Senators in Congress, and requesting our Rep-
 resentatives.

Which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Boddie introduced

A bill, No. 135, to incorporate Wirt College, in the county of Sumner.

Mr. Walker of Williamson introduced

A bill, No. 136, to extend the jurisdiction of the County Courts:

Mr. Walker of Williamson introduced

A bill, No. 137, for the benefit of guardians and wards.

Which bills were severally read a first time and passed.

Mr. Smart submitted resolution, No. 94:

Resolved, That the Committee on the Penitentiary be instructed to inquire and report upon the expediency of farming out the Penitentiary for two years from the 1st day of January next.

Resolved further, That said committee examine and report upon the expediency of exposing to sale, all the marketable articles in said Penitentiary, upon a credit of six months, for notes well secured and payable in the Bank of Tennessee.

Which resolutions were read and laid on the table.

The two Houses of the General Assembly again met in convention in the Representative Hall, pursuant to adjournment, and resumed the election of Attorney General for the thirteenth judicial circuit, the same candidates as in the morning being in nomination.

And after having taken the vote of the members of each House viva voce in said election for the 13th time; without making an election, neither of the candidates having at any time received a majority of all the votes given by both Houses in said election.

Mr. Hopkins having been withdrawn from the list of candidates, after taking the vote of the two Houses for the 14th time.

On motion of Mr. Turney, Senator from White,

The convention adjourned until to morrow morning 10 o'clock.

The House then adjourned until to morrow morning, 9 o'clock.

WEDNESDAY, NOVEMBER, 8th, 1843.

The House met pursuant to adjournment.

Mr. Brooks presented a petition, No. 55, from sundry citizens of Putnam county, praying for Legislative relief in relation to the location of the seat of justice in said county.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Coggin presented petition, No. 56, from sundry citizens of the county of DeKalb, praying the continuance of Legislative bounty on reeled silk and cocoons.

Which was read and ordered to be transmitted to the Senate.

Mr. Moore presented the petition, No. 57, from 52 citizens of the counties of Smith and Wilson, praying the General Assembly to continue the bounty on reeled silk and cocoons.

Which petition was read and referred to the joint select committee on the culture and manufacture of silk.

Mr. Trice presented a petition No. 58, from sundry citizens of Har-

Lin and McNairy counties, praying the Legislature to grant a charter for a turnpike road to G. G. Allen and others.

Which was read and referred to the Committee on Internal Improvements.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third reading, the following bills, to wit:

A bill, No. 71, to incorporate the members of the Mechanic's Union Society of Columbia, in the county of Maury; and

A bill, No. 79, to amend the act of 1805, chap. 2, in relation to illegitimate children.

Which bills have been engrossed, and are herewith transmitted, and the concurrence of the House therein requested.

The convention of the two Houses.

The two Houses of the General Assembly met in convention in the Representative Hall pursuant to adjournment, and resumed the election Attorney General for the 13th judicial circuit, the same candidates being in nomination as when the convention adjourned on yesterday evening.

And after taking the vote of both Houses viva voce in said election for the 15th time, without making an election, the name of Mr. Rodgers was withdrawn from the list of candidates, and Mr. W. H. Kerchervall and Thomas H. Hopkins, were nominated as candidates for said office.

And after taking the vote of the two Houses viva voce, for the 17th time,

Mr. Richardson, representative from the county of Rutherford moved, that after taking the next vote of the convention that the candidate having the lowest number of votes shall be withdrawn from the list of candidates.

Which motion was disagreed to by the House.

Mr. Allen, Senator from the county of Montgomery, moved that the convention suspend further proceeding in the election for Attorney General for the 13th district, for the purpose of going into the election of Attorney General for the 9th judicial district.

Which motion was disagreed to by the convention.

And after taking the vote of the two Houses, viva voce, for the 19th time, without making an election, the name of Mr. Kerchervall was withdrawn from the list of candidates.

After taking the vote of both Houses, viva voce, for the 21st time without making an election,

Mr. Polk moved to postpone the further proceedings of the convention in said election until 2½ o'clock, this afternoon.

Mr. Cheatham moved that the further proceedings in said election be postponed until 7 o'clock, P. M.

Which latter motion was disagreed to by the convention.

Mr. Cheatham then moved that the further proceeding in said election be postponed until 7½ o'clock this evening, and called for the yeas and nays on said motion.

Which was ordered by the convention.

And the question being taken on agreeing to said motion, it was determined in the negative.

The result of the House of Representatives in said motion was,

Yeas,	29
Nays,	44

Those who voted in the affirmative are;

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cross of Malison, Goode, Hamilton, Jourdan, Marr, Maury, Miller of Hardeman, Moores, Morris, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Trimble, Turner, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Brooks, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deering, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hodsden, Hord, Houson, Huddleston, Hughes, Humphreys, Kinney, Landerdale, Lenoir, Miller of Marshall, Milligan, Moorman, Morrow, Nave, Sherrill, Smartt, Trice, Trott, Turney, Walker of Hickman, Wann, Wheeler, and Williams.

It being reported by Mr. Cooke clerk of the Senate, that the result of the vote of the Senate on said motion to postpone the further proceedings in the election of Attorney General in the 13th district, until 3 o'clock this evening, was yeas 8 votes, nays 16 votes.

And it appearing to the convention that a majority of all the votes of both Houses on said motion had voted in the negative, the Speaker of the Senate thereupon declared that said motion of Mr. Cheatham was rejected by the convention.

And thereupon the question was taken on the motion of Mr. Polk. Which motion was agreed to by the convention.

Whereupon Mr. Speaker and members of the Senate withdrew from the Representative hall.

And then the House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Gordon, from the Committee on New Counties and Counties to which had been referred,

A bill, No. 123, to establish the county of Cumberland, reported the same without amendment and recommended its passage:

Said bill was then read a second time and passed.

On motion of Mr. Walker of Hickman, the House granted him leave to withdraw for an amendment,

A bill, No. 122, to establish the county of Lewis.

On motion of Mr. Rodgers,

The House took up

A bill, No. 119, to give the county courts certain powers.

Mr. Rodgers moved to amend said bill by adding an additional sec-

Which amendment is as follows:

SEC. 2. *Be it enacted*, That said county court shall have power to alter, amend, define, and in any manner fix the boundaries of the various incorporated towns in this State.

Which amendment was adopted,

Said bill as then amended, was read a second time and passed.

Convention of the two Houses.

The two Houses of the General Assembly met in convention in the Representative Hall, pursuant to adjournment, and resumed the election of Attorney General for the 13th judicial district, the same candidates being in nomination.

And after taking the vote of both Houses viva voce in said election for the 22nd time, without making an election, the name of John A. Green, and Thos. H. Hopkins, were withdrawn from the list of candidates.

And the names of John C. Rodgers, and John A. Minnis were put in nomination for said office.

And after taking the vote of both Houses viva voce in said election for the 24th time, without making an election, the name John A. Minnis was withdrawn from the list of candidates.

The vote of the House of Representatives was then taken viva voce for the 25th time in said election, and was as follows:

FOR MR. GOFF:

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goode, Gordon, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moonman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Sherrill, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 37 votes.

FOR MR. RODGERS:

Messrs. Anderson, Black, Bobo, Boddie, Brooks, Cherry, Cross of Sullivan, Crouch, Edwards, Enbank, Farquharson, Fisher, Garner, Glenn, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley, 35 votes.

FOR MR. HALLUM:

Messrs. Goodall and Moores, 2 votes.

It being reported to the convention, by Mr. Cocke, Clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. Goff, 13 votes; for Mr. Rogers, 10 votes.

It appearing to the convention that Mr. Goff had received a majority of all the votes given by both Houses in said election.

The Speaker of the Senate thereupon declared the said Andrew F. Goff to be duly and constitutionally elected attorney general for the 13th judicial circuit for the ensuing six years.

On motion of Mr. Cocke, Senator from Grainger county,

The convention proceeded to the election of an Attorney General for the 12th judicial circuit, Messrs. Thomas L. W. Sawyers, William

Caswell, Thos. J. Powell, and Joseph B. Heiskell, being in nomination as candidates for said office.

And after taking the vote of the convention *viya voce* for the 4th time without making an election,

Mr. Dearing, representative from the county of White, moved that the further proceedings in said election be postponed until to morrow, 10 o'clock, A. M.

Which motion was agreed to by the convention.

Thereupon Mr. Speaker and members of the Senate withdrew from the Representative Hall.

And the House then adjourned until nine o'clock, to morrow morning.

THURSDAY, 9th NOVEMBER, 1843.

The House met pursuant to adjournment.

Mr. Trice presented a petition, No. 69, from sundry citizens of the counties of McNairy and Harleman, praying the Legislature to grant a charter for a turnpike company and ferry across Hatchee river at Atwoods' old steam mill.

Which petition was read and ordered to be referred to the Committee on Internal Improvements.

On motion of Mr. Rawlings,

The House took up a resolution from the Senate, No. 35, in relation to the amendment of the Constitution of the State of Tennessee, so that Bledsoe and Marion counties shall come under the general provisions in forming new counties.

Which was read a second time.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative,

Yeas	62
Nays	4

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Fisher, Garner, Goodall, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Farquharson, Goode, and Tyler.

So said resolution passed on its second reading in this House.

Mr. Williams introduced

A bill, No. 133, to incorporate the "Traders and Farmer's Bank of Tennessee."

Which bill was read a first time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred:

A bill from the Senate, No. 48, to prevent presentments for assaults, batteries, and affrays, in certain cases;

Reported the same without amendment, and recommended its passage.

Which bill was read a second time and passed.

Convention of the two Houses.

The two Houses of the General Assembly met in convention in the Representative Hall pursuant to adjournment, and resumed the election of Attorney General for the 12th judicial circuit, the same candidates being in nomination as when the convention adjourned on yesterday evening.

After taking the vote of both Houses viva voce for the 18th time without making an election,

Mr. Crudup, representative from Perry, moved that after the next vote, the candidate receiving the lowest number of votes, shall be dropped from the list of candidates for said office.

Which motion was disagreed to by the convention.

Mr. Rodgers, representative from White, moved that further proceedings of the convention be suspended until this evening, 7 o'clock:

Which motion was disagreed to by the convention.

After having taken the vote of both Houses, viva voce, for the 15th time without making an election, the name of Mr. Heiskell was withdrawn from the list of candidates.

And after taking the vote of both Houses, viva voce, for the 18th time, without making an election, the name of Mr. Powell was withdrawn from the list of candidates, and the name of Mr. Heiskell was again put an nomination:

And on taking the vote of both Houses, viva voce, for the 19th time, without making an election, the name of Mr. Heiskell was again withdrawn.

And on taking the vote of both Houses viva voce, for the 20th time the following was the vote of the members of the House of Representatives:

FOR MR. CASWELL,

Messrs. Alexander, Avery, Bledsoe, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Goode, Hamilton, Hodsden, Hord, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Maury, Marr, Miller of Hardeman, Milligan, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Rodgers, Smart, Trimble, Tyler, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.—43 votes.

FOR MR. SAWYERS,

Messrs. Anderson, Black, Boba, Boddie, Bone, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Houston, Lauderdale, McGinnis, Miller of Marshall,

Moore, Nave, Scott, Sherrill, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, and Wheeler.—30 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was For Caswell 11 votes; and for Sawyers 10 votes.

It appearing that Mr. W. R. Caswell had received a majority of all the votes given by both Houses in said election, he was thereupon declared by the Speaker of the Senate to be duly and constitutionally elected Attorney General for the 12th judicial circuit for the next ensuing six years.

Mr. Gardner, Senator from Waukeley, then moved that the further proceedings of the convention under joint resolution that brought the two Houses together be postponed until half past three o'clock, this afternoon.

Which motion prevailed.

Whereupon Mr. Speaker and members of the Senate withdrew from the Representative hall.

The House then adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Walker of Hickman, who had withdrawn for amendment a bill No. 122, to establish the county of Lewis, returned the same with an amendment thereto constituting two additional sections, the fourteenth and fifteenth, to the bill.

Which amendments were read and adopted.

Said bill as amended was read a second time and passed.

Ordered that said bill be referred to the Committee on New Counties and County Lines.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly met in the Representative hall according to adjournment and proceeded to the election of an Attorney General for the 9th judicial circuit.

Thereupon Messrs. Benjamin F. Hamilton, Joel Henry Dyer, Felix Parker, jr., Isaac B. Williams, and Algernon S. Curry were put in nomination as candidates for said office.

After taking the vote of both houses viva voce for the third time without making an election, the name of Mr. Curry was withdrawn from the list of candidates, and after taking the vote for the sixth time the name of Mr. Dyer was withdrawn, and after taking the vote of both houses viva voce for the seventh time without making an election the name of Mr. Hamilton was also withdrawn from the list of candidates.

And on taking the vote of both houses viva voce for the eighth time in said election, the vote of the members of the House of Representatives was as follows:

FOR WILLIAMS:

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Kinney, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Rawlings, Scott, Sherrill, Trimble, Trott, Turner, Tyler, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer—40 votes.

FOR PARKER:

Messrs. Alexander, Avery, Bone, Brooks, Burras, Carson, Cheatham, Cleveland, Coggin, Crudup, Dearing, Duggan, Garner, Goode, Hodsden, Hughes, Humphreys, Jourdan, Lenoir, Moores, Moorman, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Smart, Trice, Turney, Walker of Williamson, Wheeler, and Williams—33 votes.

It being reported to the convention by Mr. Cöcke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Williams, 11 votes, and for Parker 9 votes, and it appearing that Mr. Williams had received a majority of all the votes given by both houses in said election.

The Speaker of the Senate thereupon declared the said Isaac B. Williams to be duly and constitutionally elected Attorney General for the 9th judicial circuit for the ensuing six years.

The business which brought the two houses together having been disposed of, Mr. Speaker and gentlemen of the Senate withdrew from the Representative hall.

On motion of Mr. Lenoir,

Leave of absence was granted to Mr. Trimble until Monday next.

The House then adjourned.

FRIDAY, NOVEMBER 10th, 1843.

The House met pursuant to adjournment.

Mr. Morrow presented a petition, No. 70, from sundry citizens of Nashville, recommending Rutledge's Hill as the most eligible site for the capitol of the State, and requesting the two houses of the General Assembly to adjourn for the purpose of viewing said site.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a petition, No. 38, from the directors of the La Grange and Memphis Railroad company, praying the passage of an act granting further time to finish said road, reported that the prayer of said directors was reasonable and ought to be granted; and the committee had instructed him to report,

A bill, No. 139, granting a longer time of four years to the La Grange and Memphis Railroad company to complete their road in accordance with the prayer of said directors.

Which bill was read a first time and passed.

Mr. Richardson, from the Committee on Internal Improvements, to

which had been referred a petition, No. 68, from sundry citizens of Hardin and McNairy counties, praying the Legislature to grant a charter for a turnpike road to Messrs. G. G. Adams and others.

Also a bill, No. 134, granting to G. G. Adams, J. L. Rushing, and James Kerr, jr., a turnpike in the counties of Hardin and McNairy, reported said bill without amendment and recommended its passage.

Which bill was read a second time, and

On motion of Mr. McGinnis,

The House granted leave to him to withdraw said bill for amendment.

On motion of Mr. Gordon,

The House granted leave of absence to Mr. Smart until Wednesday next.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred a bill, No. 122, to establish the county of Lewis, reported the same without amendment and recommended its passage.

On motion of Mr. Deavenport,

Ordered that said bill be laid on the table.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on its third reading a bill, No. 75, to incorporate the Memphis Conference Female Institute at Jackson.

Which is herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have taken up and considered House bills of the following titles:

A bill, No. 23, to attach the 141st regiment of Tennessee militia to the 9th brigade.

A bill, No. 42, for the benefit of John H. Carmichael and Benjamin Rains; and

A bill, No. 55, to authorize the trustees of Rhea academy to appoint an additional number of trustees.

Which bills have been read a third time and passed by the Senate, and are herewith transmitted.

The Senate have also taken up House bill, No. 75, to incorporate the town of Randolph, in the county of Tipton.

Which bill they have read a third time and passed with an amendment thereto.

Which bill as amended is herewith transmitted and the concurrence of the House of Representatives therein requested.

They have also received a report from the inspectors of the Penitentiary.

Which has been read, and in obedience to an order from the Senate is herewith transmitted.

On motion of Mr. Miller of Hardeman,

Ordered that petition, No. 59, from sundry citizens of the counties of Hardeman, Madison, Fayette, and Haywood, praying an act of incorporation for a turnpike road and ferry across Hatchee river at Atwood's old steam mill, (which had been presented and laid on the table

on the 4th inst.,) be referred to the Committee on Internal Improvements

Mr. Huddleston introduced,

A bill, No. 139, to prohibit county courts from making allowances for *ex officio* services.

Which bill was read a first time and passed.

Mr. Crudup, who had withdrawn for amendment, Senate's resolution, No. 52, dividing the county of Perry, making the Tennessee river the county line, returned the same with an amendment in lieu of the whole resolution.

Which amendment was read at the clerk's table as follows:

Whereas, by the third section of the 11th article of the Constitution of this State, propositions may be made for amendment thereto, in the Senate or House of Representatives; and whereas, the Tennessee river runs through the county of Perry, and near the centre thereof, whereby about one half of the people are put to great trouble, inconvenience, and expense, by being compelled to cross the river to attend as witnesses and jurors at the courts, and to much of their private business; and whereas, it is but just and equitable that the people of Perry county should have the same privilege which was secured by the 4th section of the 10th article of the Constitution, to the citizens of the county of Humphreys; and whereas the General Assembly of this State, at the last session thereof, passed a resolution dividing the county of Perry, making the Tennessee river the county line, and to bring the matter before the people according to the provisions of the third section of the 11th article of the Constitution, it is necessary that the Legislature should again agree to said proposed amendment and prescribe the manner and time of submitting the same to the people;

Therefore resolved by the General Assembly of the State of Tennessee, That the 4th section of the 10th article of the Constitution of said State be so amended as to permit the Legislature of said State to divide the county of Perry, making the Tennessee river the county line, a majority of the qualified voters of said county voting in favor of said division.

Resolved, That it shall be the duty of each sheriff in the several counties in this State, to give notice of the foregoing proposed amendment to the Constitution of this State, by printed or written advertisements, at four public places at least in each county, not more than three months, nor less than one month before the next general election for members of Congress, Governor, Senators, and Representatives in the State Legislature; and at the said next general election it shall be the duty of all persons holding said elections to take the vote of all the qualified voters on said proposed amendment, and make return of said votes under the same rules and regulations prescribed by the laws of this State for making election returns.

Which amendment was adopted.

Said resolution as amended was then read a first time in the House:

And the question being taken on its passage, it was determined in the affirmative.

Yeas
Nays.

63
3

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bleasoe, Bobo, Boddie, Brooks, Burrus, Carson, Cherry, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Mari, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Farquharson, Goode, and McGinnis.

So said resolution passed on its first reading in the House.

Mr. Black submitted the following resolution, No. 95:

Resolved by the General Assembly of the State of Tennessee, That they will adjourn on Wednesday, the 15th inst., for the purpose of going en masse to examine Campbell's Hill, Rutledge's Hill, and all other prominent places in contemplation for a site for the State House.

Which was read and laid on the table.

On motion of Mr. Cheatham,

The House took up the amendment of Mr. Cheatham in lieu of the Senate's amendment to the House resolution, No. 76, directory to the President, Directors, Cashiers, Clerks, and officers of the Bank of Tennessee and Branches, which was the unfinished business pending before the House on Tuesday last, when the House adjourned.

Mr. Rodgers moved to amend Mr. Cheatham's amendment by striking out the words "now in session," in the 4th line of the 2nd resolution, and inserting in lieu thereof the following amendment: "If in session, if not to the Governor of the State, who shall cause the same to be filed in the office of Secretary of State, for transmission to the next General Assembly."

Which amendment was accepted by Mr. Cheatham.

Pending the discussion on Mr. Cheatham's amendment.

The House adjourned.

SATURDAY, NOVEMBER 11th, 1843.

The House met pursuant to adjournment.

Mr. Milligan presented a petition, No. 71, praying an amendment of the 17th section of an act, passed 5th Feb., 1835, so as to allow persons of this State, to barter in any amount not exceeding \$2000.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Black presented a petition, No. 72, from 51 citizens of Bedford county, praying that a law may be passed to sell the school lands.

Which petition was read and ordered to be referred to the select committee on school lands.

Mr. Morris presented a petition, No. 73, from sundry citizens of Wayne county, praying the abolishment of the Chancery Courts at Savannah and Lawrenceburg, and to establish a Chancery Court at Waynesborough, in the county of Wayne.

Which petition was read and referred to the Committee on the Judiciary.

Mr. Trott presented a petition, No. 74, praying the abolishment of the present Chancery court system, and to vest the same power in the Circuit court.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Maury, from the Committee on Enrolled Bills, reported that said committee had examined enrolled bills of the following titles; to-wit:

An act to attach the 141st regiment of Tennessee Militia, to the 9th Brigade.

An act for the benefit of John H. Carmichael, and Benjamin Rains; and

An act to authorise the Trustees of Rhea Academy to appoint an additional number of Trustees;

And found the same to be duly enrolled.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

On motion of Mr. Anderson,

The House then proceeded to the consideration of the unfinished business, pending when the House adjourned on yesterday evening, to-wit: The amendment offered by Mr. Cheatham to the amendment of the Senate, in lieu of the resolution of the House, No. 76, directory to the President, Directors, Cashiers, Clerks, and officers of the Bank of Tennessee and Branches.

Mr. Cheatham moved to amend the amendment offered by him on the 7th inst., by striking out the former part of the first resolution to the words "following particulars to wit," inclusive, and to insert in lieu thereof the following amendment:

"The following persons shall be and they are hereby appointed commissioners, to investigate the condition of the Bank of Tennessee and its several Branches, to wit:

FOR THE BANK AT NASHVILLE.

Joseph Norvell, Davidson co.; William Ledbetter, Rutherford co.; Thomas Barry, Sumner co.

FOR THE BRANCH AT ATHENS.

David Campbell, Knox county; John L. McCarty, of McMinn county; and Luke Lea, Sen., Bradley county.

FOR THE BRANCH AT ROGERSVILLE.

Merriman Payne, Greene county; George R. Powell, of Rogersville, Hawkins county; and George Branner, of Jefferson county.

FOR THE BRANCH AT SPARTA.

Thomas L. Bransford, Jackson co.; Spencer McHenry, of Overton co.; and Thomas Eastland, of White co.

FOR THE BRANCH AT SHELBYVILLE.

Micah Taul, Franklin county; Thomas M. Caldwell, Bedford co.; and James Fulton, of Lincoln county.

FOR THE BRANCH AT COLUMBIA.

Hillery Langtree and Russel Houston, of Maury county, and Franklin Buchanan, of Lawrence co.

FOR THE BRANCH AT CLARKSVILLE.

Matthew M. Kerr and John Wisdom, of Montgomery co.; and A. J. Shonwell, of Stewart county.

FOR THE BRANCH AT SOMMERSVILLE.

Leroy Pope, of Shelby county; John B. Mar, of Haywood county; and Pitzer Miller, of Hardeman county.

FOR THE BRANCH AT TRENTON.

William W. Searcy, of Carroll county, J. M. Needham, of Gibson co.; and Benj. Talton, of Obion co.

2nd. *Resolved*, That said commissioners, or a majority of them, after first being duly sworn, before some Judge or justice of the peace, to investigate the condition of said Bank and Branches respectively, as hereinafter prescribed, shall report the present General Assembly now in session, at the earliest practicable time, on the following facts and particulars, in relation to the Bank and Branches, by them respectively examined, to-wit:

Mr. Cheatham further moved to amend said amendment of the Senate by striking out the preamble to the second resolution, and said second resolution, and also the 3rd, 4th, and 5th resolutions, and by inserting in lieu thereof the following amendment, to wit:

3d. *Resolved*, That the Governor inform the said commissioners of their appointment, and transmit to them the necessary evidence of their authority to act in the premises, and in the event of a failure or refusal to act on the part of any commissioner, the Governor to appoint some other person to act in his place.

4. *Resolved*, That said commissioners have power to send for persons and papers, to administer oaths to all persons brought before them, to require such assistance from the President, Directors, Cashier, and other officers of said Bank of Tennessee and its different Branches, as shall enable them to make the most ample and thorough investigation of the condition of said Bank and Branches, and the persons so brought before them to testify in relation to any matter shall be allowed the same compensation as now allowed to witnesses by the existing laws.

Pending the discussion of said amendment,

Mr. Farquharson moved that the House adjourn until 2 o'clock this afternoon, being 10 minutes past one when said motion was made.

And the question being taken on said motion to adjourn, it was determined in the negative,

Yeas

33

Nays

34

The ayes and noes being called for by Mr. Brooks and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Bobo, Boddie, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Moores, Nave, Polk, Trott, Turney, Walker of Hickman, Wann, and Wy-ley.

Those who voted in the negative are,

Messrs. Avery, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Miller of Harde-man, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said motion to adjourn was disagreed to by the House.

Mr. Bond moved a call of the House.

Which motion was agreed to, and on calling the roll of the House the following members were absent from the House: Messrs. Alexander, Gordon, Trice, and Turner.

On motion of Mr. Maury,

The further call of the House was dispensed with.

Mr. Polk moved to strike out of the amendment offered by Mr. Cheatham, the commissioners appointed for investigating the Bank at Nashville, and insert in lieu thereof "a sub-committee of the joint-committee on Banks."

And the Speaker decided that it being an amendment in the third degree it was out of order.

And the motion to strike out and insert offered by Mr. Cheatham, being under consideration,

Mr. Farquharson moved a division of the question;

And the question being taken on striking out, as moved by Mr. Farquharson, it was determined in the affirmative.

Yeas

38

Nays

32

The ayes and nays being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Trott, Turney, Walker of Hickman, Wan, and Wyley.

So said motion to strike out, was agreed to by the House.

The question was taken on filling the blank by inserting the amendment offered by Mr. Cheatham, and was determined in the affirmative.

Yeas

55

Nay

14

The ayes and noes being called for by Mr Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Duggan, Edwards, Fisher, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Lenoir, McGinnis, Marr, Maury, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trott, Turney, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bobo, Cross of Sullivan, Crouch, Eubank, Farquharson, Garner, Glenn, Kinney, Lauderdale, Miller of Hardeman, Miller of Marshall, Walker of Hickman, and Wan.

So said motion to insert said amendment was agreed to by the House.

Mr. Farquharson moved to amend the amendment of the Senate, as amended, by adding an additional resolution, as follows:

Resolved, That in any investigation to be had by commissioners, two thirds of whom are Whigs, the directors and officers of the several branches of the Bank of Tennessee, shall be allowed when the commissioners state any thing of a party character, derogatory to the character of said directors, to make a counter report to the Legislature upon oath, stating the facts of the case.

Mr. Goodall thereupon demanded the previous question.

Which being seconded by a majority of all the members present,

The question was taken, shall the main question be now put, and it was determined in the affirmative.

Yeas
Nays

38
31

The yeas and nays being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trott, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Turney, Walker of Hickman, Wann, and Wyley.

So the House decided that the main question shall now be put.

And the question was then taken upon a concurrence in the Senate's amendment to House resolution, No. 76, as amended by the House and was determined in the affirmative.

Yeas,
Nays,

55
14

The yeas and nays being called for by Mr. Walker of Williamson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Burrus, Brooks, Carson, Cleaveland, Cheatham, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Lenoir, McGinnis, Marr, Maury, Milligan, Moores, Morris, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trott, Turney, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Cherry, Crouch, Edwards, Eubank, Farquharson, Glenn, Hughes, Kinney, Lauderdale, Miller of Marshall, Polk, Walker of Hickman, and Wann.

So the House concurred with the amendments of the Senate to House resolution, No. 76, directory to the President, Directors, Cashiers, Clerks, and officers of the Bank of Tennessee and branches, as amended by the House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Coker, their clerk:

MR. SPEAKER: The Senate have taken up and passed on its third and last reading,

A bill, No. 89, to prevent injury to real estate while subject to redemption.

Which has been engrossed, and is herewith transmitted, and the concurrence of the House of Representatives therein requested.

The Senate have taken up and considered,

A bill of the House, No. 57, to restore Daniel McVey, of Claiborne county, to the privileges of citizenship.

Which bill they have passed with an amendment thereto, in lieu of the whole bill, which amendment is herewith transmitted, and the concurrence of the House requested.

The Senate have received a petition, No. 35, from the Nashville, Murfreesboro', and Shelbyville turnpike company, which they have read, and the same is herewith transmitted to the House.

The Senate have adopted a resolution, No. 70, appointing a joint select committee to whom may be referred the petition, No. 35, of the Nashville, Murfreesboro', and Shelbyville turnpike company, which resolution is herewith transmitted, and the concurrence of the House therein requested.

Mr. Hodsden moved an adjournment of the House until Monday morning, nine o'clock.

And the question being taken on said motion to adjourn, it was determined in the negative.

Yeas, 32

Nays, 35

The ayes and noes being called for by Mr. Cherry, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bond, Burrus, Chestnut, Cleveland, Coggm, Cross of Madison, Cross of Sullivan, Crudup, Dearing, Goodall, Goode, Hamilton, Hodsden, Houson, Hughes, Jourdan, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Moorman, Rawlings, Richardson, Trice, Trott, Tyler, and Wheeler.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Brooks, Carson, Cherry, Crouch, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Humphreys, Kinney, Lauderdale, Miller of Marshall, Milligan, Moores, Morris, Nave, Reach, Rodgers, Scott, Sherrill, Turney, Walker of Hickman, Wann, William, Wyley, and Mr. Speaker Barriager.

So the House refused to adjourn.

The House took up the amendment of the Senate to House bill, No. 18, to amend and make uniform the attachment laws of this State.

The first amendment of the Senate was read at the clerk's table as follows: "in the second section strike out the words double the value" and insert "for the forthcoming," which said first amendment of the Senate was concurred in by the House.

On motion of Mr. Hodsden,

Ordered that the bill and second and third amendments of the Senate be laid on the table

On motion of Mr. Bledsoe,

Ordered that Mr. Bone have leave of absence until Monday morning on account of indisposition.

The House then adjourned until Monday morning, 9 o'clock.

MONDAY, 13th NOVEMBER, 1843.

The House met pursuant to adjournment.

Mr. Alexander presented a petition, No. 75, from sundry citizens of Shelby county, praying the Legislature to grant a charter for a turnpike road in said county.

Which petition was ordered to be transmitted to the Senate.

Mr. Miller of Hardeman, presented a petition, No. 76, from sundry citizens of Fayette, and other counties, praying the Legislature to grant a charter for a turnpike road and ferry, across Hatchie river at Atwood's old steam Mill.

Which petition was referred to the Committee on Internal Improvements.

Mr. Avery presented a petition, No. 77, from sundry citizens of Shelby and Fayette counties, praying the establishment of a new county.

Which was read and ordered to be transmitted to the Senate.

Mr. Cargin introduced,

A bill, No. 143, to amend an act entitled "an act to prevent indictments and presentments in certain cases.

Mr. Miller of Hardeman introduced,

A bill, No. 144, to invest certain funds of the common school in State bonds.

Mr. Turner introduced,

A bill, No. 141, to appoint one Revenue Commissioner for each county.

Mr. Miller of Hardeman also introduced

A bill, No. 145, to protect the fund of the Bank of Tennessee.

Which bills were severally read a first time and passed.

Mr. Morris introduced,

A bill, No. 142, to establish a chancery court at Waynesboro' in the county of Wayne, and to abolish the chancery court at Lawrenceburg, and Savannah.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Carson introduced;

A bill, No. 146, to alter the county line between the counties of Jefferson and Granger, so as to include the lands of Nathaniel Line, in Jefferson county.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on New Counties, and County Lines.

Mr. Coggin submitted the following resolution, No. 95:

Whereas, the election of Attorneys General by the Legislature, occasions a consumption of public time to the great expense of the good people of this State, therefore

Be it resolved by the General Assembly of the State of Tennessee, That the constitution of this State be so amended that the fifth section of the sixth article shall read as follows :

" There shall be elected in each solicitorial district of this State by the qualified voters therein, one Attorney General, who shall hold his office for the term of six years and until his successor shall be elected and qualified, provided no person shall be eligible to said office more than six years in any term of twelve ; should a vacancy occur subsequent to an election, said office shall be filled by the Governor, and the person so appointed shall continue in office until his successor is elected and qualified, and said office shall be filled by the qualified voters at the first election for any of the county officers; in all cases where an Attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an Attorney pro tempore.

Mr. Maury submitted the following resolution, No. 97;

Resolved, That in the opinion of this House, it is the duty of the General Assembly during its present session, to provide the ways and means of meeting all just demands against the State, incurred on its behalf by the properly constituted authorities thereof.

Resolved, That in order to effect this object, it is expedient to curtail all unnecessary expenses in the administration of the State Government or any department thereof and to organise the Bank of the State of Tennessee in such manner as will impart greater economy, profitability, and efficiency to its administration.

Resolved, That should these measures be ineffectual to the attainment of the end proposed, viz: the payment of the public debt, it is the opinion of this House that the deficiency should be supplied by additional taxation.

Resolved, That in order to place the credit of the State upon a stable foundation, and to lighten the weight of pecuniary obligation devolved by the present upon succeeding generations, it is expedient if practicable, to provide a sinking fund for the purpose of purchasing as means and opportunity may offer, the bonds of the State at their market value, or of taking them up as they respectively fall due.

Mr. Farquharson submitted the following resolution, No. 98;

Resolved, That the Comptroller of the Treasury be, and he is hereby respectfully requested to report to the General Assembly at its present session—

The amount of moneys collected for the benefit of the State from each of the three grand divisions of the State, from the creation of the office of Comptroller of the Treasury to the present time.

The amount of moneys expended in each of the grand divisions, showing the objects of the expenditures and the amount paid to each object specified in each of the grand divisions aforesaid.

The amount of State bonds issued and to be issued, and of debts contracted by the State for the benefit of each of the grand divisions herein, or for any object, company, or corporation therein.

And that the Comptroller report at the earliest day practicable.

Which resolutions were severally read and laid on the table.

Mr. Cheatman submitted the following resolution, No. 96 :

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, in settlement with Green Beaton, Sheriff of Robertson county, be directed to allow said Sheriff the sum of twenty three dollars and eighty cents, the amount disallowed on his settlement of the State taxes for the year 1842.

Which resolution was read and ordered to be referred to the Committee on Finance, with accompanying documents thereto attached.

Mr. Fisher submitted the following resolution, No. 99:

Resolved, By the General Assembly of the State of Tennessee, That the Secretary of State be, and he is hereby authorized to appoint an agent at Knoxville, to examine, receive, and receipt for that portion of the Journals of the General Assembly intended for distribution in East Tennessee.

Which was read and laid on the table.

On motion of Mr. Trott,

The House took up the report of the Committee on the Judiciary, made the 19th October last, unfavorable to the object of a resolution, No. 55, directory to the Committee on the Judiciary, in relation to increasing the jurisdiction of justices of the peace, on accounts and against endorsers, submitted by him on the 13th, and adopted by the House on the 16th October.

Mr. Trott then moved that the House nonconcur with report of the committee.

Which motion was agreed to by the House.

On motion of Mr. Trott, said resolution was laid on the table.

Mr. Black moved that the House reconsider the vote taken on Saturday, the 11th inst., concurring with the amendment of the Senate in lieu of the House resolution, No. 76, as amended by the House.

And the question being taken on the reconsideration, it was determined in the negative.

Yeas, 22

Nays, 35

The ayes and noes being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Black, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Edwards, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Morris, Polk, Scott, Trott, Turner, Turbey, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Dearing, Goodall, Gonde, Hodsden, Houston, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

So said motion to reconsider was disagreed to by the House.

A message from the Senate by Mr. Cocke, their clerk:

Mr. SPEAKER: The Senate have taken up and considered the amendment of the House to Senate's amendment to House resolution, No. 76, directory to the presidents, directors, cashiers, clerks, and officers of the Bank of Tennessee and Branches.

In which amendment of the House the Senate concur.

The Speaker of the Senate has signed enrolled bills from the House of the following titles, to wit:

An act to attach the 141st regiment of Tennessee militia to the 9th brigade.

An act for the benefit of John H. Carmichael and Benjamin Rains.

An act to authorize the trustees of Rhea academy to appoint an additional number of trustees.

Which enrolled bills are herewith transmitted.

Ordered that the clerk deposit said enrolled bills in the office of the Secretary of State.

Mr. McGinnis, who had withdrawn for amendment a bill, No. 134, granting to G. G. Adams, J. L. Rushing, and James Kerr, jr. a turnpike road in the counties of Hardin and McNairy, returned the same with an amendment in lieu of the whole bill from the enacting clause, and also amending the title of the bill by striking out "Hardin and."

Which amendment was read and adopted.

Said bill as amended was then read a second time and passed.

The House took up bills from the Senate of the following titles; to wit:

A bill, No. 35, to amend the laws so as to prevent unnecessary accumulation of cost in the administration of justice.

A bill, No. 68, to remove obstructions from public roads.

A bill, No. 69, to impose a tax on the income derived from the privilege of vesting moneys by loan and in stocks.

A bill, No. 71, to incorporate the members of the Mechanics' Union Society of Columbia, in the county of Maury.

A bill, No. 75, to incorporate the Memphis Conference Institute at Jackson.

A bill, No. 79, to amend the act of 1805, chapter 2, in relation to illegitimate children; and

A bill, No. 89, to prevent injury to real estate while subject to redemption.

Which bills were severally read a first time and passed.

The House took up,

A resolution from the Senate, No. 70, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee be appointed to whom may be referred the memorial of the Nashville, Murfreesboro', and Shelbyville turnpike company praying that said company, in respect to the payment of interest on the bonds of the State issued for their benefit, may be placed on the same footing with the internal improvement companies of this State.

Which resolution was concurred in by the House.

Whereupon Mr. Speaker announced the appointment of Messrs.

Cheatham, Boddie, Burrus, Richardson, Black, Rodgers, Maury, Goode, and Turney as the committee on the part of the House.

The House took up,

A petition, No. 35, from James H. Foster, President of the Nashville, Murfreesboro', and Shelbyville turnpike company, in relation to the payment of interest on the bonds of the State, &c.

Which was read and referred to the joint select committee on that subject.

The House took up,

A bill from the Senate, No. 62, to repeal an act passed by the General Assembly of the State of Tennessee, in the year 1832, chapter 22.

Which bill was read a first time and rejected.

The House took up,

A bill from the Senate, No. 44, to establish a criminal court in the city of Memphis, in Shelby county.

Ordered that said bill be laid on the table.

The House took up,

A bill from the Senate, No. 64, to refund to White county the interest upon the common school fund improperly paid over under the act of 1837-8.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

On motion of Mr. Miller of Hardeman,

Ordered that Senate's bill, No. 69, be referred to the Committee of Ways and Means.

The House took up,

The amendment of the Senate in lieu of House bill, No. 57, to restore Daniel McVey, of Claiborne county, to the privileges of citizenship; and

The amendment of the Senate to House bill, No. 73, to incorporate the town of Randolph, in the county of Tipton.

Which amendments were severally read and concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trott moved that the House take up,

A bill, No. —, to amend the charter of the Bank of Tennessee.

Which motion the Speaker declared to be out of order, in as much as the House had taken up and had proceeded to the consideration of sundry messages from the Senate, which messages from the Senate had priority of action over business originating in the House.

From which decision of the chair Mr. Trott appealed to the House.

And the question being taken "shall the decision of the chair stand as the judgment of the House?"

It was determined in the affirmative.

The House took up,

The report of the inspectors of the Penitentiary.

Which report was read and referred to the Committee on the Penitentiary.

The Speaker of this House signed enrolled bills from the Senate of the following titles, to wit :

An act to repeal the act of 1833, chap. 64, in reference to colonization.

And an act to revive spring musters.

Ordered that the clerk acquaint the Senate therewith.

Mr. Alexander introduced the following bills :

A bill, No. 147, to amend the criminal laws.

And a bill No. 148, to prevent the sacrifice of life and property by steam boats.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Miller of Marshall introduced,

A bill, No. 149, to change the punishment in cases of petit larceny and receiving stolen goods of less than ten dollars in value.

Mr. Coggin introduced,

A bill, No. 151, to amend the laws of this State in relation to costs of suits.

Which bills were severally read a first time and passed.

Mr. Gordon introduced,

A bill, No. 150, to establish brigade county drills.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Military Affairs.

Mr. Roach submitted the following resolution, No. 100.

Resolved, That the Committee on the Lunatic Assylum inquire into and report what in their opinion will be the best plan for conducting said institution for the next two years, whether it is best to continue the present plan, or to employ some individual to take charge of it at a price to be agreed upon, or any other plan which to them may seem expedient, and that they report by bill or otherwise.

Mr. Williams submitted the following resolution, No. 101:

Resolved, That the Senate meet the House of Representatives in the Hall of the latter, on Wednesday, the 15th inst., for the purpose of electing a Judge for the second judicial circuits of Tennessee.

Which resolutions were severally read and laid on the table.

On motion of Mr. Coggin,

The House took up,

A bill, No. 125, to reduce the salaries of the public officers of this State.

Ordered that said bill be referred to the Committee on the Judiciary.

On motion of Mr. Farquharson,

The House took up,

A bill from the Senate, No. 58, to amend the militia laws of this State.

Mr. Farquharson moved to amend said bill by adding thereto two additional sections constituting the second and third sections to said bill.

Which amendment was read and adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?"

It was determined in the affirmative,

Yeas

42

Nays

25

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bleasoe, Bobo, Brooks, Burrus, Carson, Cheatham, Coggin, Dearing, Duggan, Eubank, Farquharson, Fisher, Garner, Goode, Gordon, Hodsden, Hord, Houston, Hughes, Kinney, Lauderdale, Lenor, McGinnis, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Trice, Turney, Tyler, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Bond, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Edwards, Glenn, Goodall, Hamilton, Hudleston, Mari, Maury, Miller of Hardeman, Richardson, Scott, Trimble, Turner, Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House as amended.

Ordered that the Clerk acquaint the Senate therewith.

On motion of Mr. Rodgers,

The House took up,

A resolution, No. 88, directory the Comptroller of the Treasury to issue a warrant for balance of school fund due Fentress county.

Ordered that said resolution be referred to the Committee on Finance.

On motion of Mr. Black,

The House took up,

A resolution, No. 95, proposing an adjournment on the 13th inst., for the purpose of viewing the different locations in the city of Nashville, to select a site on which to erect the capitol of the State, submitted by him on the 10th inst.

Mr. Boddie moved to amend said resolution by striking out "the 15th inst." and insert in lieu thereof "Saturday next, at 2 o'clock."

Which amendment was adopted.

Mr. Walker of Hickman moved to lay said resolution on the table.

Which motion was disagreed to by the House.

Mr. Duggan offered the following amendment:

Resolved, "That the members go first to Campbell's Hill, and that they walk to that place.

Mr. Polk moved to amend the amendment by adding "all round it."

Which was agreed to by the House.

Said amendment as amended was then adopted.

And the question being taken, "shall the resolution as amended be adopted?"

It was determined in the affirmative;

Yeas,

35

Nays,

34

The yeas and noes being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Boddie, Brooks, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Edwards, Fisher, Garner, Glenn, Goodall, Hord, Huddleston, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Miller of Marshall, Mootman, Morrow, Morris, Scott, Sherrill, Trimble, Turner, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Avery, Bobo, Burrus, Carson, Cheatham, Cleaveland, Coggin, Crudup, Dearing, Eubank, Farquharson, Goode, Gordon, Hamilton, Hod-den, Houston, Maury, Minter of Hardeman, Milligan, Moores, Nave, Polk, Rawlings, Richardson, Reach, Rodgers, Trice, Turney, Tyler, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

So said resolution as amended was adopted.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 14th, 1843.

The House met pursuant to adjournment.

Mr. Miller of Hardeman presented a map of the proposed route for the turnpike road crossing at Atwood's old steam mill across Hatchie river, and other roads.

Which was referred to the Committee on Internal Improvements.

A message from the Senate by Mr. Coeke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third and last reading the following bills, viz:

A bill, No. 70, to repeal all laws allowing more than one gate to be kept on Scott's turnpike road leading through Fentress county.

A bill, No. 88, to establish Cumberland University, at Lebanon; and

A bill, No. 90, to encourage domestic manufactures.

Which are herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have adopted a resolution, No 73, authorizing the Attorney General to compromise a suit between the State and the Stockholders of the Harpeth turnpike company.

Which is herewith transmitted and the concurrence of the House therein requested.

The Senate has received a communication from the Attorney General, which has been read, and in obedience to an order of the Senate is herewith transmitted.

Mr. Maury, from the Committee on Enrolled Bills, reported that said Committee had examined enrolled bills of the following titles, to wit:

An act to restore persons convicted of manslaughter, who have received Executive pardon, to the rights of citizenship; and

A resolution to appoint commissioners to investigate the Bank of Tennessee and Branches.

and found the same truly enrolled.

The Speaker of this House thereupon signed said enrolled bill and resolution.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

On motion of Mr. Polk,

Ordered that Mr. Carson be added to the Committee on the Penitentiary.

On motion of Mr. Avery,

Ordered that Mr. Brooks be added to the Committee on the Penitentiary.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom had been referred,

A bill, No. 63, to repeal the first, third, and fourth sections of an act reorganizing the county courts, reported the same without amendment and recommended its rejection.

Which bill was read a second time and rejected.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 11, to repeal all laws establishing separate Chancery Courts, and for other purposes, reported the same without amendment and recommended its rejection.

Mr. Brooks moved that said report and bill be laid on the table.

Which motion was disagreed to by the House.

Said bill was then read a second time.

And the question being taken, "shall the bill pass?" it was determined in the negative,

Yeas	25
Nays	45

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Brooks, Cherry, Cleaveland, Cradup, Deavenport, Dearing, Garner, Glenn, Goodall, Hamilton, Huddleston, Jourdon, Morris, Nave, Richardson, Roach, Rodgers, Turney, Turner, Walker of Hickman, Wann, and Mr. Speaker Harringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bond, Burrus, Carson, Cheatham, Coggin, Cross of Madison, Duggan, Edwards, Eubank, Fairquharson, Fisher, Goode, Gordon, Hodsden, Houston, Hord, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Polk, Rawlings, Sherrill, Trice, Trimble, Trott, Fyler, Walker of Williamson, Wheeler, Williams, and Wyley.

So said bill was rejected.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 44, for the purpose of placing all executions on equal terms, reported said bill without amendment and recommended its rejection.

Mr. Miller of Hardeman then offered an amendment to said bill, which is as follows:

"That executions issued from justices of the peace when levied on personal property shall have priority of executions from courts of record issued upon judgments of a younger date than the judgment before the justice; provided in all cases executions by justices of the peace be first levied."

On motion, ordered that Mr. Trott have leave to withdraw the bill and amendment for amendment.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 111, to amend the laws of this State in capital cases, reported the same without amendment and recommended its rejection; and

On motion of Mr. Brooks,

Ordered that he have leave to withdraw the same for amendment.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 120, to authorize the county courts to make appropriations to pay for the services of officers to the county courts under the old constitution, reported said bill without amendment and recommended its rejection.

On motion, ordered that Mr. Humphreys have leave to withdraw the same for amendment.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a petition, No. 62, from the members of the "Young Men's Literary Society," at Knoxville, praying an act of incorporation.

Also a bill, No. 128, to incorporate the "Young Men's Literary Society," at Knoxville, reported that the Committee asked to be discharged from the further consideration of the petition, and recommended the passage of said bill.

Which report was concurred in by the House.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 133, to amend the act of 1835, chap. 68, section 1st defining incompetency of Judges in certain cases, reported said bill without amendments, and recommended its passage.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a preamble and resolution, No. 30, directory to the Committee on the Judiciary, in relation to the chancery court system, and monthly county courts, and a resolution, No. 93, directory to the Committee on the Judiciary as to the expediency of allowing the rights of redemption by law, on all species of property sold under execution, reported unfavorable to the objects of said resolution, and ask to be discharged from their further consideration.

Which report was concurred in by the House.

On motion of Mr. Polk,

The House took up a communication transmitted from Senate this morning, from the Attorney General in relation to a suit now pending.

in the chancery court in Franklin, between the Harpeth turnpike company and the State.

Which communication was read.

The House took up a resolution from the Senate, No. 73, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the State be instructed, and he is hereby instructed to accept the compromise proposed by the Harpeth turnpike company to the State, to settle the suit now pending in the chancery court at Franklin, between the State and the individual stockholders in said company, and the State, and that he be authorised to have a decree issued in said cause accordingly.

In which resolution the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up bills from the Senate of the following titles:

A bill, No. 88, to establish Cumberland University, at Lebanon, in Wilson county.

And a bill, No. 90, to encourage domestic manufactures.

Which bills were severally read a first time and passed.

The House took up

A bill from the Senate, No. 90, to repeal all laws allowing more than one gate to be kept on Scott's turnpike road leading through Fentress county.

On motion of Mr. Bond,

Ordered that said bill be laid on the table.

Mr. Rodgers submitted the following resolution, No. 102:

Resolved, That the Committee of Ways and Means be instructed to inquire into the propriety of taxing cash in the hands of persons holding the same, as also, cash notes and bonds drawing interest, and report by bill or otherwise.

Which was read and laid on the table.

On motion of Mr. Black,

The House took up a resolution, No. 101, proposing to go into the election of Judge for the 2d Judicial circuit, on Wednesday, the 15th instant.

Mr. Bond moved to amend said resolution by adding the 4th circuit.

Mr. Burrus moved to amend the amendments by adding the 5th circuit.

Mr. Rodgers moved that said resolution and amendments be laid on the table.

Which motion was agreed to by the House.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled resolution from the House entitled a resolution to appoint commissioners to investigate the Bank of Tennessee and branches, and to report to the present General Assembly.

The Speaker of the Senate has also signed an enrolled bill from the House, entitled:

"An act to restore persons convicted for manslaughter, who have received executive pardon, to the rights of citizenship.

Ordered that the clerk deposite said, enrolled resolution and bill in the office of the Secretary of State,

On motion of Mr. Milligan,

Ordered that Mr. Crouch be excused from attendance on this House on account of indisposition.

On motion of Mr. Bledsee,

The House adjourned until to morrow morning; 9 o'clock.

WEDNESDAY, NOVEMBER 15th, 1843

The House met pursuant to adjournment.

Mr. Carson presented a petition from sundry citizens of Jefferson county, praying a continuance of Legislative bounty on reeled silk and cocoons.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Bond presented a memorial, No. 19, from a majority of the board of commissioners for Forked Deer river.

Which memorial was read and ordered to be referred to the Committee on Internal Improvements.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read the following petition, to wit:

A petition, No. 36, of the citizens of Blount county, praying the passage of an act authorising certain persons to build a dam across Little river, in Blount county.

A petition, No. 37, of Samuel Wilson, and sundry citizens of the county of Lincoln, praying to be released from the payment of a judgment against Andrew A. Kincaannon; and also

A petition, No. 38, of Allen Pressen, Sheriff of Benton county, praying that the Legislature refund to him \$75, for sundry reasons therein set forth.

And in obedience to an order of the Senate, they are herewith transmitted to the House.

The Senate have taken up and adopted a resolution, No. 69, referring so much of the Governor's Message, as relates to a revision of the laws, to a joint select committee.

Which resolution is herewith transmitted, and the concurrence of the House therein is requested.

Mr. Maury, from the Committee on Enrolled Bills, reported that said committee had examined an enrolled bill of the following title, to wit:

An act to incorporate the town of Randolph, in the county of Tipton,

And found the same to be duly enrolled.

The Speaker of the House thereupon signed said bill.

Ordered that said bill be transmitted to the Senate, for the signature of the Speaker thereof.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to whom was referred a petition, No. 30, from sundry citizens of Shelby county, praying that the act of 1842, prolonging the stay of executions, reported that as the House had had this subject under consideration, and had refused to make any alteration in stay laws, the committee had instructed him report that they deem the prayer of the petitioner inexpedient, and ask to be discharged from the further consideration of the subject.

Which report was concurred in by the House.

Mr. Black submitted the following resolution, No. 103:

Whereas, it appears that an error in the names of two of the commissioners appointed by the General Assembly, to investigate the affairs of the Bank of Tennessee and its Branches, has been discovered, to wit: in the substitution of the name of Thomas L. Caldwell, of Bedford county, for the name of John M. Caldwell, and John M. Needham, of Gibson county, for John W. Needham; therefore

Resolved by the General Assembly, That Richard Cheatham, of this House, and _____ of the Senate, be appointed to attend at the office of Secretary of State, and that they correct the errors aforesaid, in the enrolled resolution appointing said commissioners.

Which resolution was read, and the 39th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Bond,

The House took up the report of the Committee on Federal Relations.

Which report was read at the clerk's table as follows:

The Committee on Federal Relations, to whom was referred:

A bill to prescribe the time, place, and manner of choosing Senators to Congress; and also a resolution of inquiry, in relation to the same subject, have had both under consideration, and beg leave respectively to report,

That while they are convinced of the constitutionality of prescribing the manner of choosing Senators to Congress, as heretofore done by joint resolution, yet, inasmuch as this mode of proceeding must be continually recurred to, as vacancies take place or happen, thereby producing an unnecessary consumption of time and other inconveniences, to which the committee will not now particularly advert; they deem it advisable to recommend the adoption of a mode more permanent and imperative in its character, and sanctions, viz:— the passage of a law upon the subject; and they consider this the appropriate time for action in relation to it, as no motive connected with men or party, can be even plausibly imputed as the ground of such action.

The bill referred to the committee provides, that the choice of Senators to Congress shall be made by the concurrent vote of the two Houses of the General Assembly, acting in their separate capacities, either House having a negative upon the choice of the other; to this feature of the bill the committee are decidedly opposed.

1st. Because it is contrary to usage.

2d. Because it is less likely than the usual mode, to effect the object intended, viz:—the election of Senators; and

3rd. Because it lessens the probability that the persons chosen will be the object of the popular preference.

And 1st. It is contrary to usage—contrary not only to the uniform practice of this State since the adoption of the Constitution; but if the committee are correctly informed, to the practice likewise of the great majority of the States of this Union. In some of the State Legislatures, it is true, the two Houses vote separately in their respective chambers, but in the event of disagreement between them, the election is determined by the aggregate majority of both. Such an unbroken succession of precedents, in so many different States, running back to the commencement of our national existence, and only not immemorial, because our institutions themselves are not immemorial, should not be set aside for light and transient causes, particularly as no practical inconvenience, so far as the committee is advised, has resulted from the usage.

The object to be obtained, was, that the constitutional injunction in relation to the election of Senators, be complied with, that each State, in its federal character, be fully represented in Congress; so long as this usage was continued unbroken in this State, the two seats to which Tennessee is entitled in the Senate of the United States, were never suffered to remain vacant.

The second objection of the Committee to the bill is, that it will multiply the chances of preventing an election. This is true, even when the political complexion of the two Houses may be the same. But a case may well be conceived as likely to arise, in which they may, in regard to national politics, occupy antagonistic positions, towards each other; in which event the power of prophecy need not be invoked, to foreshadow the scenes that would probably ensue—the two Houses would not agree, their disagreement would be the more steadfastly persisted in, that it may be made to assume the guise of an adherence to principle, neither would probably recede from its choice, and consequently, no election would be made.

Let it not be said in answer to this argument, that compromise might be effected. In the original classification of Senators, made in conformity with the provisions of the Constitution of the United States, that one third of the Senators should go out of office at the end

of every two years, care was taken that Senators from the same State should be placed in different classes; and the same principle has been applied to Senators from States since admitted into the Union. In point of fact, therefore, two original vacancies in the representation in the Senate, from this State, cannot take place at the same time. And if two Senators have occasionally been chosen, simultaneously by our Legislature, has been because of vacancies happening by some unforeseen casualty, or in consequence of an omission on the part of a preceding Legislature, to discharge its constitutional duty. Hence, even on the supposition that parties in the Legislature, and inferentially in the State, were unequally divided, it would require a rare coincidence

of circumstances indeed to afford the ground work of any practicable plan of compromise.

But in general it may be safely taken for granted, that even when the two Houses are of different political complexion, the numerical majority of the whole body will be on the one side or the other, and to that majority, as the tribunal at once the most convenient and equitable for deciding upon conflicting claims and pretensions, the committee would confide the selection of Senators.

The third objection to the bill in question is, that it lessens the probability that the choice of the Legislature will be the choice of the people. It places in the hands of thirteen members of the Senate, the power of resisting the will of eighty-seven members of the Legislature, seventy-five of whom constitute the more popular branch of that body; the committee say the more popular branch because it is more numerous, for the larger the representative body, and the smaller the electoral district, the greater will be the likelihood, that the representative will be imbued with the feelings, and acquainted with the wishes of the people whom he serves. In point of numbers, the Senate is only one third of the House of Representatives. The Senatorial district, therefore, being three times larger than the Representative district, it is not fairly presumable that Senators should be in as thorough possession of the sentiments of their constituents, and besides, it is philosophically true, that the strength of the ties that bind the representative to the constituents body is in the inverse ratio of territory and of members.

In regard to the constitutionality of the mode of electing by joint vote of the two Houses, the Committee deem it unnecessary to say much. A faint doubt of it, indeed, has been suggested by Chancellor Kent upon the technical meaning of the word "Legislature," which seemed to him to imply the separate action of the two Houses, as in ordinary cases of Legislation. But he considers the question as settled by precedent and usage by the superior convenience of the joint over the concurrent and by the uniform recognition as Senators of the persons elected in conformity with it. Judge Story, an authority equally eminent, though in a note to his commentaries he alluded to, does not corroborate the doubts suggested by the Chancellor. The Constitution, it is true, provides that Senators be chosen by the Legislature of their respective States. But it also provides that the Legislature shall prescribe the manner of choosing them.

In conformity with the foregoing views the Committee report an amendment, herewith submitted, in lieu of the whole bill referred to them.

A. P. MAURY, Chairman
of the Committee on Federal Relations.

The House thereupon took up,

A bill, No 7, to prescribe the time, place, and manner of choosing Senators to the Congress of the United States:

And proceeded to consider the amendment reported by the Commit-

tee on Federal relations in lieu of the whole bill from the enacting clause.

Which amendment was read.

Mr. Farquharson thereupon moved to amend said amendment by striking out the 3d section thereof, and inserting in lieu thereof, the following amendment :

Be it enacted, That the Senators to the Congress of the United States shall be chosen by the Legislature thereof, the Legislative authority being vested in a General Assembly which shall consist of a Senate and House of Representatives, both dependent on the people.

Mr. Bledsoe moved a division of the question.

Whereupon the question was first taken on striking out the 3d section of the amendment reported by the Committee, and was determined in the negative.

Yeas	19
Nays	47

The ayes and noes being called for by Mr Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Black, Bobo, Crouch, Babank, Farquharson, Fisher, Garner, Gordon, Hord, Huddleston, Kinney, McGinnis, Miller of Hardema, Miller of Marshall, Milligan, Polk, Turney, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Davenport, Dearing, Duggan, Edwards, Goodall, Goode, Hamilton, Hodsden, Houston, Hughes, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wan, Wheeler, Williams, and Mr. Speak Barringer.

So the House refused to strike out the 3d section of the amendment.

Said amendment was further amended on motion of Mr. Maury, and was thereupon concurred in by the House.

The bill as amended was then read a second time and passed.

Previous to entering on the Journals of the House the report of the Committee on Federal Relations,

Mr. Richardson moved that said report be entered on the Journals.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas	42
Nays	27

The ayes and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Dearing, Duggan, Farquharson, Goodall, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble

Tyler, Walker of Hickman, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Boddie, Crouch, Cherry, Deavenport, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Turney, Turner, Wann, and Wyley.

So the House ordered said report to be spread upon the journals.

Mr. Black, from the minority of the Committee on Federal Relations, counter report, and moved that the same be spread on the journals of the House.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas, 59.

Nays, 4

The ayes and noes being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Coggm, Cleveland, Cross of Madison, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Marshall, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Eubank, Miller of Hardeman, Hughes, and Turner.

So said motion was agreed to by the House.

Said report was then read at the clerk's table as follows:

"The undersigned composing a minority of the Committee on Federal Relations beg leave to report that they consider that the report adopted by the majority of the Committee, partakes of an electioneering character, and they hereby enter in proper form their objection to all such parts of said report.

This report of the minority is thus confined to a simple expression of objection without entering at length into a statement of the reasons for such objections, thereby encumbering the journals with unnecessary electioneering matter, and circulating such matter through the medium of the journals at the public expense. The committee, to prevent misapprehension, beg leave to state that they consider and agree that both modes of election either by joint action of the Legislature assembled in convention, or the concurrent action of each branch of the General Assembly in its separate, distinct, organized capacity is constitutional.

P. B. ANDERSON,
THOMAS BLACK,
LECEL BOBO.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution of the House, No. 103, to correct an error in the enrolled resolution appointing Bank commissioners as to the names of two of said commissioners.

Which resolution the Senate have amended by filling the blank with William L. Martin, to act on the part of the Senate in correcting said error, and they concur in said resolution as amended, and request the concurrence of the House in said amendment of the Senate.

The House thereupon took up said amendment of the Senate, which was read and concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up,

A bill from the Senate, No. 34, to reduce and fix the salaries of various public officers.

Which bill was read a first time and passed.

On motion of Mr. Maury,

The House took up,

A resolution, No. 97, submitted by him on the 13th inst. in relation to providing the means of meeting the public engagements and maintaining the credit of the State.

Ordered that bill, No. 34, of the Senate, together with the resolution be referred to the Committee of the Whole House, and be made the special order of the day for to-morrow.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received the report of the joint select committee on the correction of the error in the enrolled resolution appointing Bank commissioners.

Which report is herewith transmitted to the House.

The Speaker of the Senate has signed an enrolled bill from the House entitled an act to incorporate the town of Randolph, in the county of Tipton; and also,

An enrolled resolution of the Senate entitled a resolution authorizing the Attorney General to compromise a suit between the State and the stockholders of the Harpeth turnpike company.

The Speaker of this House thereupon signed the said enrolled resolution from the Senate.

Ordered that said enrolled resolution be transmitted to the Senate, and that the clerk also deposit said enrolled bill in the office of Secretary of State.

The House took up,

The report of the joint select committee on the correction of the error in the enrolled resolution appointing Bank commissioners.

Which report was read at the clerk's table as follows, viz:

15th Nov., 1843, the undersigned committee on the part of the Senate and House of Representatives, have corrected the error in the enrolled resolution as set fourth in the joint resolution appointing the com-

mittee, and respectfully herewith report the fact to the two houses of the General Assembly.

WM. L. MARTIN,

On the part of the Senate

RICHARD CHEATHAM,

On the part of the House of Rep.

Mr. Nave submitted the following resolution, No. 104:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed, authorized, and empowered, and it is hereby made his duty to settle the account of Abraham Tipton, former Secriff of Carter county, who has collected revenue from the said State, and who has heretofore been reported to the Attorney General for the first judicial circuit and judgment obtained against him; therefore be it further.

Resolved, That the said Comptroller, in the settlement, shall allow the said Tipton a credit for all legal, just, or equitable sums due him from the State, provided that the said Tipton shall not be released from the payment of any cost which may have accrued.

Mr. Morrow submitted the following resolution, No. 105:

Resolved by the General Assembly of the State of Tennessee, That the superintendent of the Penitentiary report as soon as practicable to this General Assembly, whether corporal punishment by whipping or otherwise, has been inflicted on any convict in said penitentiary, if so for what acts or offences and the authority for doing the same.

Which resolutions were severally read and laid on the table.

Mr. Moores introduced,

A bill, No. 152, to tax professions and all the office holdes in Tennessee, for the purpose of raising a revenue to meet the accruing interest or liability on the Ctate bonds.

Which bill was read a first time and passed.

Ordered that said bill be referred to a committee of the whole House and be made the special order of the day for to-morrow.

On motion of Mr. Moores,

The House took up,

A resolution, N. 100, directory to the Committee on the Lunatic Asylum, submitted by Mr. Roach on the 13th inst.

Which resolution was read and adopted.

On motion of Mr. Cleaveland,

The House took up,

A bill, No. 66, to appoint commissioners of the Bean's Station Turnpike Road, and for other purposes.

Which bill was amended on motion of Mr. Cleaveland.

Mr. Houston moved to strike out the third section of the bill, providing for the expenditure of part of the toll received on said road in the improvement of the road from Bean's Station to one-half mile above the Rocky Springs, at the discretion of the commissioners.

And the question being taken on striking out said third section, it was determined in the negative.

Yeas,

27

Nays,

37

The yeas and nays being called for by Mr. Houston, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Eubank, Deavenport, Farghatson, Fisher, Glenn, Goodall, Gordon, Houston, Hughes, Kurey, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Sherrill, Turner, Turney, Walker of Hickman, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bond, Brooks, Burrus, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Garner, Goode, Hamilton, Hodsdon, Hord, Humphreys, Joudan, Lenoir, Maury, Moores, Neoman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Tyler, Trimble, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to strike out the third section of the bill.

Mr. Polk moved to refer said bill to the Committee on Internal Improvements.

Which motion was disagreed to by the House.

Said bill, as amended, was then read a second time and passed.

The Speaker laid before the House

A communication from the President of the Union Bank of Tennessee, accompanied by a report from the Cashier of said Bank, exhibiting the condition of said Bank and Branches, on the 9th of October, 1843.

Ordered that 150 copies of said communication and report, be printed for the use of this House.

On motion of Mr. Rodgers,

The House took up

A resolution, No. 102, 'directory to the Committee of Ways and Means, submitted by him on yesterday.

Ordered that said resolution be referred to a committee of the whole House, and be made the special order of the day for to-morrow.

Mr. Coggin moved a reconsideration of the vote of the House on yesterday, rejecting

A bill, No. 11, to repeal all laws establishing separate Chancery courts, and for other purposes.

On motion of Mr. Gordon,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY, NOVEMBER 16th, 1843.

The House met pursuant to adjournment.

Mr. Miller of Hardeman, presented a petition, No. 80, from sundry citizens of Hardeman county.

Mr. Trice presented a petition, No. 81, from sundry citizens of McNairy and Madison counties.

Mr. Cross of Madison presented a petition, No. 82, from 339 citizens of Madison county.

Mr. Bond presented a petition, No. 84, from sundry citizens of Haywood county.

Mr. Avery presented a petition, No. 83, from sundry citizens of Fayette and Henderson counties.

All of which petitions pray the Legislature to grant a charter for a turnpike road and Ferry, across Hatchie river, at, or near Atwood's old steam-mill.

Which petitions were severally referred to the Committee on Internal Improvements.

Mr. Trimble presented a report, No. 10, of the President of the Planter's Bank of Tennessee.

Ordered that 150 copies be printed for the use of this House.

Mr. Trimble presented a memorial, No. 85, from the President and directors of the Planter's Bank of Tennessee, praying the Legislature to pass a law reducing the par value of the capital stock of said Bank, of eighty dollars the share, instead of one hundred dollars, the par value.

Mr. Trimble also introduced

A bill, No. 154, to reduce shares of the capital stock of the Planter's Bank of Tennessee to eighty dollars a share, instead of one hundred, as they are now fixed by law.

On motion of Mr. Trimble,

Ordered that said memorial, No. 85, and the bill, No. 154, be referred to the Committee on the Judiciary.

Mr. Bond presented No. 86, from Littleton Joiner, and other citizens of Haywood county, praying Legislative relief for said Littleton Joiner.

Ordered that said petition be referred to the Committee on the Judiciary.

Mr. Walker of Hickman presented

A petition, No. 87, from sundry citizens of Centreville, in the county of Hickman, praying an amendment of the charter of incorporation of said town.

Which was read and ordered to be transmitted to the Senate.

Mr. Kinney presented a report or memorial, No. 88, from the commissioners, showing the amount of money expended, and how expended, in improving the navigation of Nolachucky river, in East Tennessee.

Which was read and ordered to be transmitted to the Senate.

Mr. Hamilton, from the Committee on Elections, to which had been referred,

A bill, No. 9, to prevent illegal voting,

Reported said bill with amendment, and recommended its passage.

Which bill was read a second time and passed.

Mr. Trott who had withdrawn for amendment,

A bill, No. 44, for the purpose of placing all executions on equal terms returned the same with an amendment.

On motion said bill and amendment was laid on the table.

Mr. Bledsoe submitted the following resolution, No. 106.

Resolved by the General Assembly of the State of Tennessee, That so much of a resolution heretofore adopted by the General Assembly, as provides for electing a Treasurer of the State of Tennessee, and the further action having been postponed until the 20th inst., be, and the same is hereby rescinded, and that the Senate meet the House of Representatives in their hall on the first Tuesday in December next, for the purpose of electing a Treasurer of the State of Tennessee.

Which resolution was read and laid on the table.

Mr. Avery introduced

A bill, No. 153, authorising the Lagrange and Memphis railroad company to relinquish their right of way through Memphis, if they deem it expedient.

Which bill was read a first time and passed.

Mr. Hodsdon submitted the following preamble and resolutions No. 107, enrolled a resolution to reverse, rescind, and annul the 1st, 2d, 3d, 4th, and 6th instructing resolutions passed on the 14th day of November, 1839.

Whereas, the General Assembly of the State of Tennessee did, on the 4th day of November, 1839, adopt a preamble and resolutions instructing the Senators and requesting the Representatives of Tennessee in the Congress of the United States

To vote against the charter of a National Bank;

To vote for the Sub-Treasury scheme of finance;

To vote against a bill to prevent the interference of certain federal officers in elections;

To vote against the distribution of the proceeds of the sales of the public lands; and lastly,

By the sixth of said series of resolutions the said Senators were instructed and the said representatives requested to "support in good faith the leading measures and policy as brought forward and advocated by the (then) President of the United States," meaning the measures and policy of Martin Van Buren as they should be brought forward and advocated by the said Martin Van Buren; and

Whereas it is the deliberate judgment of this present General Assembly that said preamble and resolutions have been condemned, and are now disapproved by a large majority of the freemen of Tennessee, and whereas, this General Assembly does believe that a National Bank is constitutional, expedient, and necessary for the collection, safe-keeping and disbursement of the public revenue, and eminently calculated to furnish and preserve a sound and uniform currency, to promote the public welfare, and restore the general prosperity of the country; and that

the re-establishment of such an institution has been approved and sanctioned by a large majority of the people of Tennessee; and

Whereas, the General Assembly does believe the plan of finance, commonly called the Sub Treasury, to be corrupting to public morals, unsafe for the public moneys, injurious to the people, and dangerous to liberty, and that the same has been condemned and rejected by a large majority of the American people; and

Whereas, this General Assembly does recognise it as a sound republican doctrine, that executive patronage should not be brought in conflict with the freedom of elections, and that the numerous class of Federal officers, who are dependent on the President for their tenure of office, shall not use the patronage and influence of their offices to promote partizan purposes, and to increase the power of the Federal executive; and

Whereas, this General Assembly does verily believe that the public belong, of right, to the States and the people, and that the distribution of the proceeds of the sales among the States for the purpose of internal improvement, common schools, and the payment of the debts owing by the States, could relieve the people from the burden of taxation, or the dishonor of repudiation, produce the most beneficial results on the whole country, and take from the federal executive a vast source of patronage, which in many cases has been exercised to a manifest detriment of public morals; and

Whereas, this General Assembly does also believe that a tariff for revenue, with incidental protection to American labor, is preferable to direct taxation for the support of the General Government, and that such a tariff is constitutional, expedient, and necessary to promote the public welfare, and secure the independence of the United States; and

Whereas, it is the deliberate judgment of this General Assembly, that the sixth of said series of resolutions is anti-republican, in its object and meaning, and that it was calculated, if obeyed, to deprive the people of Tennessee of the service of their Senators in the national councils, and to substitute for fidelity to their oaths and the constitution, a servile obedience to the will of the President, and so far as this gallant State is concerned, to destroy the independence of one branch of the Legislature of the National Government, and to base the representation of Tennessee, in the Senate, not on allegiance to the constitution and the will of the people, but on the pleasure and dictation of the federal executive; and

Whereas, it is the opinion of this General Assembly, that the doctrine contained in the said sixth resolution, is discreditable to a free people, and slavish in its tendencies, and if carried into effect, would destroy the independence of the States, and convert the President into a monarch, and reduce the people of this free country, to a state of vassalage, equally oppressive, and not less dishonorable than the bondage which our ancestors cast off, when they separated from the British monarchy; therefore

Resolved, That the 1st, 2nd, 3rd, 4th, and 6th of said resolutions be, and the same are hereby reversed, rescinded, and annulled.

Mr. Farquharson submitted the following preamble and resolution, No. 109:

Whereas, the General Assembly of the State of Tennessee, have on various occasions, when in their opinion, the great public interest of the State demanded it, expressed in the most solemn form, their views in regard to questions of a national character, involving the welfare of the people of the United States, and have at all times, when deemed necessary to give practical effect to the sentiment which they entertain, availed themselves of the power which legitimately, and in conformity with long established republican usage, throughout the Union, belonged to them, of instructing their Senators and requesting their representatives in Congress, to carry out their declared wishes; and

Whereas, the General Assembly of the State of Tennessee, on the 14th day of November, 1839, in conformity with these views, adopted a series of resolutions, the sixth and last of which has been a subject of misconstruction, whether with or without design is immaterial, that has placed the State of Tennessee in the unnatural and false position of requiring her Senators in Congress to yield a blind support to the measures and policy of the executive; not only the measures and policy there advocated, but such as might be hereafter suggested, thereby making our Senators the mere registers of executive edicts, when in truth and in fact the said sixth resolution contained no such provision or slavish doctrines:

In order therefore, that Tennessee may be placed in the proper attitude, and to show she still maintains the right of instruction, and how heartily she repudiates and holds in abhorrence and detestation, the degrading doctrines of slavish submission to the will of the President, to show that this humiliating position has been given to Tennessee by misapprehension and misconstruction, and that no possible pretext may be claimed for any future misrepresentation, and distraction, and because another party is now in power, and holds the administration of the Federal Government, and because said resolution has been repealed by time; be it

Resolved by the General Assembly of the State of Tennessee, That so much of the sixth series of resolutions passed on the 14th day of November, 1839, instructing our Senators and requesting our Representatives in Congress, "to support in good faith, the leading measures and policy, as brought forward and advocated by the then President of the United States, and to use all fair and proper exertions, to carry out, sustain, and accomplish the same"—be and the same is hereby repealed, the same having been already fully abrogated, by the operation of time, and charge of the executive administration of the U. S.

Which preamble and resolution was read and laid on the table.

The Committee of Ways and Means, to whom so much of the Governor's message as relates to the liabilities of the State, and the means to meet them, and sundry resolutions, proposing a reduction in the salaries of the officers of the State, were referred, have had them under consideration, and ask leave to report, that on a careful examination, they are of opinion that the revenue of the State, independent of the profits of the Bank of Tennessee, are amply sufficient to defray the ordinary expenses, and that if any remains for them to consider the de-

deficiency occasioned by the inability of the Bank to meet the responsibilities, which have been imposed upon her, and to suggest the means of supplying the deficiency, on examining the report of the Bank, your committee find that she is required to pay the interest on the State Bonds, and also to pay annually \$150,000, on account of common schools and academies. They beg leave to submit the following statements of the liabilities of the Bank, and her nett profits from which it will be seen, that she is utterly unable to perform what is required of her. The annual liabilities of the State on accounts of the interest on the State Bonds and school fund are as follows:

Interest on bonds for the Bank of Tennessee, $5\frac{1}{4}$ per cent.	\$60,000 00
Internal Improvement bonds, $5\frac{1}{2}$ per cent.	13,816 24
" " " " " "	74,862 50
Making a total of dollars,	\$148,678 74
Distribution for the use of Common Schools,	\$100,000 00
" " " " Academies,	18,000 00

The whole amount to be paid annually by the Bank is \$266,678 74. From which if the profits of the Bank as estimated in the report be assumed as correct there will be a deficit of \$91,643 13, to be provided for by the present General Assembly. In the above estimate no account has been taken for the bond issued for stock in the Union Bank, because that Bank has heretofore paid the interest on their bonds.—Should the interest on these bonds be added to the liabilities of the State, they would be increased \$25,000, which added to the above deficit, would form a total, of \$116,643 13. Your committee, however, having no information in relation to the Union Bank bonds, present them in this report for the further consideration of the House should it be deemed necessary, and therefore, will for the present, exclude them from their consideration.

In regard to the various resolutions reducing salaries, &c., your committee believe that the following reductions can be made without injury to the State, viz :

The Salary of the Comptroller,	\$500 00
" " " Treasurer,	250 00
Fourteen Attorneys General, \$125 each	1950 00
Members of the General Assembly \$4 per day for 60 days and \$3 per day for the next 30 days, estimated to save to the State,	800 00
And Wolf-scalps,	716 50

Making the sum of \$11,216 50

Which being taken from the deficit \$91,543 13, will leave a balance against the State of \$80,426 63.

Your committee have also maturely deliberated on the propriety of reducing the salaries of the Judges, and deeming it to be of the utmost importance to the honor of the State, and the true interest and welfare of the citizens of Tennessee, that the judiciary department be filled with men eminent for their virtue and high legal attainments; conside-

ing also that the very small sum which would be immediately saved by the contemplated reduction it being only \$1,800; they are unwilling to risk the consequences which may ensue from the proposed diminution of their salaries, and therefore recommend that they remain as they are at present.

The several plans suggested by his Excellency, the Governor, in his message, to provide for the existing deficit, have been considered by the committee and they have not been able to come to any definite conclusion as to which mode would be preferable; they therefore offer the following suggestion: whether it would not be equally as conducive to the public good and less burthensome to the citizens; that each should be partially drawn on and made to contribute to this end. First in relation to the Bank, your committee are opposed to any diminution of the capital of this institution because they believe it is already too small to afford a circulation sufficient for the wants of the community and commercial uses. The only way in which the Bank can be made to aid in supplying the deficiency is by reducing the number of the Branches to two, as recommended by the report of the President, in which he states "that if the number of Branches be reduced to two there will be an annual saving of \$15,000 in expenditures, and an increased profit of \$30,000." If this estimate be correct if applied to the deficit \$50,436 62, it would be reduced to \$35,436 62. Secondly the school fund, although your committee are fully satisfied that knowledge is essentially necessary to promote the virtue, happiness, and prosperity of every people, and the preservation of liberty, and would be unwilling for the common school fund to be diminished, yet when they consider that the fund is only \$812,000, which, at 6 per cent, would produce \$48,720; and moreover, that the Bank is operating on a capital of \$3,000,000 instead of five, as was contemplated when she was required to distribute \$100,000 annually, for the use of common schools we think in justice to the Bank should be released of a part of this burden, and should not be required to pay out on account of Common schools more than in the proportion of five to three, or \$60,000. Should this relief be afforded to the Bank and the saving thereby be applied to the payment of the interest on the State bonds, it will once be perceived that the whole deficit will be provided for and there will be a balance in favor of the State of \$4,573 37; if however, it be thought necessary to distribute \$100,000 annually, for the use of common schools, your committee respectfully suggest that instead of imposing this burden on the Bank, which she is unable to sustain, a resort be had to increased taxes, which in their opinion, will be the ultimate consequence even should the Bank by overstrained exertions be unable to meet her liabilities for a brief period.

The total liability of the State on account of Bonds issued, is \$3,264 10 66. Your committee have not been able to ascertain when any of these bonds fall due excepting \$500,000, issued for stock in the Union Bank, which are redeemable in 1848, 1853, 1858, and 1863. That the faith and honor of the State may be preserved in order to provide for the payment of the State bonds as they fall due, or are offered in the market. After an attentive consideration, they have been unable

devise any plan for raising this fund, other than an increase of taxes.— However unpalatable this may be, yet it will not be denied that the necessity exists; and in the absence of a more acceptable plan, your committee hope that it will be met with a firmness characteristic of Tennessee, and again recommend the creation of a sinking fund, for the purposes above specified even though an increase of taxes be necessary for its accomplishment, a tax of seven cents on the value of \$100 will raise an excess above the present amount of revenue, of \$23,761 54, one of ten cents, an excess of \$59,428 84, and one of 12½ cents, an excess of \$89,043 25. Your committee are not informed of the precise amount which will be required annually, to raise a sufficient fund for the payment of the State bonds, and consequently make no suggestion as to the annual sum to be provided.

All of which is respectfully submitted,

JOEL WALKER.

I concur with the above report except repealing the law giving a bounty on wolfscaips, and am for reducing the salaries of the Judges provided that a general reduction is had, also to the interference with the school fund as now paid out by the Bank.

B. D. WHEELER.

We dissent from the above report in relation to the propriety of reducing the number of Branches to two, and concur in all other respects.

J. D. TYLER,
JAMES HAMILTON.

On motion of Mr. Black,

The House resolved itself into a committee of the whole House, and proceeded to the consideration of the resolutions, reports, and bills referred to them, (Mr. Williams in the chair,) and after some time spent therein, the Speaker of the House resumed the chair, and Mr. Williams reported that the committee according to the order of the House had taken into consideration the matters referred to them, and had made some progress therein and the committee had requested him to ask leave to sit again.

Which report was concurred in by the House.

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Cheatham submitted the following resolution, No. 106:

Whereas a supplemental report from the Comptroller of the Treasury of the 13th October, 1843, exhibits a list of delinquent collectors of the public revenue to the enormous amount of fifty-nine thousand one hundred and fifty dollars and eighty-four cents.

And whereas, the best interest of the country require that the true condition of the reported delinquencies may be ascertained, therefore

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby respectfully re-

quired to report to the General Assembly at as early a day as practicable what action has been taken to enforce the collection of the various amounts in the hands of delinquent officers, what claims have been placed in the hands of Attorney Generals; at what time placed there; what progress has been made in collection, and report the correspondence with the respective Attorneys General and delinquents in reference to all claims placed in their hands of the various Attorneys General for collection.

Which resolution was read, and the 29th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trott introduced,

A bill, No. 155, to abolish the office of Geologist, Assayer, and Mineralogist of the State of Tennessee; also,

A bill, No. 156; to increase the jurisdiction of justices of the peace.

Which bills were severally read a first time and passed.

On motion of Mr. Farquharson,

The House took up a resolution, No. 68, calling upon the Comptroller of the Treasury for the amount of the moneys collected from and expended in each of the grand divisions of the State, submitted by him on the 13th inst.

Mr. Williams moved to amend said resolution by adding thereto the following amendment, to wit:

"Also state the condition or terms of the act by authority of which said moneys were expended upon works of Internal Improvements; whether the bonds of the State were to be issued to each of the grand divisions of the State in proportion to the amount of taxes paid by each; or whether a specific sum designated by the act to which each division was intitled; if the last inquiry be answered affirmatively state which division has expended the largest proportion of the fund, and state further the amount now due to the other divisions to carry out in good faith the provisions of the act above named.

Also state the amount of moneys that have been expended in the erection of public buildings, and the amount paid to public officers in each of the grand divisions of the State.

Also state the probable amount expended for the purchase of supplies for the State prison and State Hospital in each of said divisions; and likewise the probable amount of pay of members of the General Assembly that is expended in each of said divisions.

And the Comptroller is also further respectfully requested to state upon the most outhentic information he is enabled to obtain what number of soldiers from each of said divisions were present and participated in the principal battles that have been fought with the enemies of the country, in the limits of the State, and also which of said divisions prosecuted and sustained by the hearts blood of its citizens, the war with the Cherokees, the successful termination of which was necessary to the developement of the resources of that portion of Tennessee being west of the Cumberland Mountains, and its permanent prosperity and wealth.

On motion of Mr. Hodsden,

Said resolution and amendment was laid on the table.

On motion of Mr. Walker of Williamson,

The House again resolved itself in the Committee of the whole house, and resumed the consideration of the matter referred and pending before said committee; Mr. Williams in the chair;

And after some time spent therein, the Speaker of the House resumed the chair, and Mr. Williams reported that the committee had had the matter referred to them under consideration, and had made further progress therein, and ask leave to sit again.

Which report was concurred in by the House.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received the report of the joint select committee appointed to view and select a site, upon which to erect the capitol of the State.

Which report, together with the accompanying resolution, No. 74, appointing a joint select committee to wait on the Mayor and Aldermen, to receive a deed to the State for Campbell's Hill, as a site upon which to erect the State capitol, are herewith transmitted to the House of Representatives.

The House then adjourned:

FRIDAY, NOVEMBER 17th, 1843.

The House met pursuant to adjournment.

Mr. Gordon, from the Committee on New Counties and County Lines, to which was referred.

A bill, No. 146, to alter the line between the counties of Jefferson and Grainger, so as to include the bounds of Nathaniel Line, in Jefferson county, reported that the committee had had said bill under consideration and had instructed him to report the same without amendment, and to recommend the passage of the bill.

On motion of Mr. Cleveland,

The bill and report of the committee was laid on the table.

Mr. Gordon, from the Committee on New Counties and County Lines, to which was referred the petition, No. 54, of 4 citizens of Bedford county, praying that the line between the counties of Bedford and Rutherford, be so changed that they may be attached to Rutherford county, reported that said committee had had said petition under consideration, and had instructed him to report, that the prayer of the petitioner is reasonable and ought to be granted, and had also instructed him to report, and recommend the passage of:

A bill, No. 157, to change the line between Bedford and Rutherford counties.

Which bill was read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution, No. 70, appointing a joint select committee, with specific instructions.

Which resolution is herewith transmitted to the House of Representatives, and their concurrence therein requested.

The Senate have received a petition, No. 39, from sundry citizens of Marion and Hamilton counties, on the subject of Samuel B. Mead's turnpike road, which petition is herewith transmitted to the House of Representatives.

On motion of Mr. Rawlings,

The House took up a petition, No. 39, from sundry citizens of Marion and Hamilton counties on the subject of Samuel B. Mead's turnpike road, just transmitted from the Senate.

Which petition was read and referred to the Committee on Internal Improvement.

Mr. Morrow, from the select committee on the sale of common school lands, to which was referred:

A bill, No. 28, to authorise the sale of common school lands in the State of Tennessee, at the wish of the citizens of the township, wherein said lands may be situated, reported that said bill had been under the consideration of the committee, and that the committee have instructed him to report said bill with an amendment in lieu of said bill from the enacting clause, and with said amendment to recommend the passage of the bill.

The amendment reported by the committee was then read and concurred in by the House.

The bill, as amended, was then read a second time and passed.

Mr. Black moved that 150 copies of said bill be printed for the use of the House.

Which motion was agreed to by the House.

Mr. Farquharson moved that the journals of yesterday be corrected so as to show, that after Mr. Hodsdon had presented the preamble and resolution, No. 107, to rescind and annul the 1st, 2nd, 3rd, 4th, and 5th resolutions, passed on the 14th of Nov. 1839, that on motion of Mr. Polk, the reading of said preamble and resolutions was dispensed with by the House.

Which motion to correct the journals was agreed to by the House, and the journal of yesterday, was corrected accordingly.

On motion of Mr. Moores,

The House resolved itself into a committee of the whole House, and resumed the consideration of the matters referred to said committee; Mr. Williams in the chair; after some time spent therein, the committee rose, and the Speaker resumed the chair, and Mr. Williams reported that said committee had had the matters referred to them under consideration, and had made further progress therein, and had instructed him to ask leave to sit again.

Which report was concurred in by the House.

And then the House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Fisher introduced

A bill, No. 151, to amend the act of 1806, chap. 1, sec. 21, prescribing the manner of processioning land.

Mr. Burrus introduced

A bill, No. 159, to restore Samuel Wellford, of the county of Rutherford, to the privileges of citizenship.

Mr. Turney introduced

A bill, No. 160, to secure more effectually the tax on capitel used in shaving notes.

Which bills were severally read a first time and passed.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the resolution, of the House, No. 108, directory to the Comptroller of the Treasury.

In which resolution the Senate concur.

The Senate have also taken up and considered the resolution of the House, No. 95, proposing an adjournment on the 18th inst., for the purpose of viewing the different locations in the city of Nashville, for a site, on which to erect the capitol of the State.

In which resolution the Senate concur, with an amendment thereto herewith transmitted, in which amendment the concurrence of the House is requested.

The Senate have also taken up and considered the amendment of the House to Senate's bill, No. 58, to amend the militia law of this State, in which amendment of the House, the Senate concur.

On motion of Mr. Bledsoe,

The House resolved itself into a committee of the whole House, and resumed the consideration of the matters referred to said committee,

Mr. Williams in the chair; and after some time spent therein, the committee rose, and the Speaker of the House resumed the chair, and Mr. Williams reported, that said committee have had the matter referred to them under consideration and had made further progress therein, and had instructed him to ask leave to sit again.

Which report was concurred in by the House.

The House adjourned until to-morrow morning; 9 o'clock.

SATURDAY, NOVEMBER 18th, 1843

The House met pursuant to adjournment.

Mr. Walker of Williamson presented a memorial, No. 89, from sundry citizens of Nashville on the subject of locating the capitol of the State at the junction of Broad and Spruce streets.

Which memorial was read and referred to the joint select committee on the location of the capitol.

Mr. Lenoir presented a memorial, No. 90, from Robert Cannon, asking a remuneration for injuries done him in constructing the Harrison rail road.

Which petition was read and referred to the Committee on the Judiciary.

Mr. Miller of Hardeman from the Committee on the Judiciary to which had been referred,

A bill, No. 53, for the relief of securities in contracts made after the 1st of January, 1842,

Reported that said Committee had had the same under consideration and had instructed him to report an amendment in lieu of the whole bill, from the enacting clause, and also amending the title of the bill, and with said amendment to recommend its passage.

Which amendment was read and adopted.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman from the Committee on the Judiciary to which had been referred,

A bill, No. 15; to establish two circuit courts annually to diminish expenditures in the administration of Justice, and for other purposes;

Reported unfavorably to said bill and recommend its rejection.

Said bill was then read a second time and passed.

Mr. Bledsoe moved to amend the fourth section of said bill by striking out all after the words "Carroll county" to the end of the section, and insert in lieu thereof the following amendment, to-wit:

"For on the second Monday in March and September.

"For Benton county on the fourth Mondays of March and September.

For Perry county on the 1st Mondays of May and October.

For the county of Hardin on the 3d Mondays of May and October.

For the county of Wayne on the 1st Mondays of June and November.

For the county of Lawrence on the 2d Mondays of June and November."

Which amendment was adopted.

On motion of Mr. Walker of Williamson,

Said bill as amended was laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A petition, No. 29; from sundry citizens of Haywood county praying the passage of a law providing for the payment of slaves executed for capital offences,

Reported that the Committee had had the same under consideration and had instructed him to report unfavorable and that the prayer of the petitioner is unreasonable and ought not to be granted, and ask to be discharged from the further consideration of the same.

Which report was concurred in by the House.

Mr. Walker of Williamson from the Committee of Ways and Means to which had been referred;

A bill, No. 5, to extend the provisions of the seventeenth section of the act passed the fifth day of February, 1836, entitled, "an act setting

With the property, real and personal, and the privileges and occupations liable to taxation in the State."

Reported that the Committee had had the same under consideration, and instructed him to report said bill without amendment, and recommend its rejection.

Mr. Brooks moved to amend said bill by striking out after the words "rolls and spun cotton and shoes," the word "hats."

Which motion was rejected.

Said bill was then read a second time and passed.

On motion of Mr. Black,

The House took up Senate's amendment to House resolution, No. 95, which is, strike out the words "*by the General Assembly of the State of Tennessee*," and insert in lieu thereof the following:

"That they will adjourn at 12 o'clock on to-morrow for the purpose of affording the members of the General Assembly an opportunity of examining and inspecting the several sites proposed for the erection of the capitol of the State."

In which amendment the House concurred.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Walker of Williamson, from the Committee of Ways and Means, to whom had been referred,

A resolution, No. 71, to tax privileges, directory to said Committee; also, a resolution, No. 83, directory to the Committee of Ways and Means, relative to taxing auctioneers,

Report that said Committee had had the same under consideration, and had instructed him to report unfavorable to the objects of said resolution, and ask to be discharged from the further consideration.

Which report was concurred in by the House.

Mr. Walker of Williamson from the Committee of Ways and Means to which had been referred;

A bill, No. 72, to authorize the county courts at their discretion to appoint the sheriffs or other persons collectors of State and county taxes, reported said bill without amendment, and recommended its rejection.

Said bill was then read a second time and passed.

On motion of Mr. Lenoir,

Ordered that said bill be referred to the Committee on Finance;

Mr. Walker Williamson, from the Committee of Ways and Means, to which had been referred.

A bill from the Senate, No. 69, to impose a tax on the income derived from the privilege of vesting money by loans and in stocks,

Reported the same with an amendment constituting a 3d section to said bill, and with said amendment recommend its passage.

Said amendment was then read and adopted.

Mr. Boddie moved to strike out the first and second sections of said bill.

On motion of Mr. Goode,

Said bill as amended was laid on the table.

Mr. Miller of Hardeman introduced,

A bill, No. 164, to reduce the number of Judges of the circuit court

Mr. Brooks introduced,

A bill, No. 162, fixing the time of holding general musters in the tenth brigade.

Which bills were severally read a first time and passed.

Mr. Brooks, who had withdrawn for amendment

A bill, No. 114, to amend the laws of this State in capital cases,

Returned the same with an amendment thereto in lieu of the whole bill, from the enacting clause.

Which amendment was read and adopted.

Said bill as amended was then read a second time and passed.

Mr. Rodgers submitted the following resolution, No. 110:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to the Trustees of Fentress county for ninety-one dollars and ninety-one cents, to be deducted out of the amount in the Treasury, recovered in fines for tippling, which said sum shall be paid over to said Trustee to the Commissioners of the eighth school district of said county, the same having been omitted in the distribution share due to that district in the year 1841.

Which resolution was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Richardson, who had withdrawn for amendment,

A bill, No. 79, to annex a portion of the south east corner of Williamson to the county of Rutherford,

Returned said bill, with an amendment thereto, striking out the second section, and inserting in lieu thereof an amendment constituting the second and third sections

Which amendment was read and adopted.

Said bill as amended was then read a third time and passed.

The House then adjourned until Monday morning, 9 o'clock.

MONDAY, NOVEMBER 20th, 1843.

The House met pursuant to adjournment.

Mr. Carson presented a petition, No. 91, from Wm. Thompson, of Sevier county praying the Legislature to pass an act attaching his farm to Jefferson county.

Which petition was read and referred to the Committee on New Counties and County Lines.

Mr. Walker of Hickman presented a memorial, No. 192, from Wm. Edmonson, R. K. Martin, S. E. Gilliatine, and J. Ro-berry, securities, of R. H. McEwen, praying relief and for the appointment of a Joint Select Committee to take the subject under consideration

Which memorial was read.

Mr. Walker of Williamson moved that said memorial be transmitted to the Senate, and that it be referred to a joint select committee, to consist of three members on the part of the House of

Representatives and
Senate.

members on the part of the

Mr. Miller of Hardeman, moved for a division of the question.

And the question was taken first, on transmitting said memorial to the Senate, and was determined in the affirmative.

The question was then taken on appointing a joint select committee, and it was determined in the affirmative.

Yeas

53

Nays

17

The yeas and nays being called for by Mr. Wyley, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Deating, Farquharson, Fisher, Glenn, Gordon, Hamilton, Hodsden, Houston, Humphreys, Jourdon, Kinney, Lenoir, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trott, Turner, Turney, Tyler, Walker of Williamson, Wheeler Williams, and Mr. Speaker arranger.

Those who voted in the negative are,

Messrs. Cross of Sullivan, Deavenport, Edwards, Eubank, Garner Goodall, Hord, Huddleston, Hughes, Lauderdale, McGinnis, Marr Miller of Hardeman, Trice, Walker of Hickman, Wann, and Wyley.

So said motion to appoint a joint select committee, was agreed to by the House.

Whereupon Mr. Speaker announced the appointment of Messrs Walker of Williamson, Anderson, and Cheatham, to be of said committee on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cozke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled bill entitled:

"An act to amend the Militia laws of this State."

Which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Senate have passed on its third and last reading:

A bill, No. 47, to amend an act passed September 11th, 1806, entitled "an act to incorporate the inhabitants of the town of Nashville in the county of Davidson

Which bill is herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have received a petition of the citizens of Anderson county in relation to the appropriations made in the three grand divisions of the State, which, in obedience to an order of the Senate, herewith transmitted.

The Speaker of this House signed an enrolled bill from the Senate entitled "an act to amend the militia laws of this State.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trott introduced,

A bill, No. 163, to alter the dividing line between Cannon and Beale counties.

Mr. Crudup introduced,

A bill, No. 163, to prevent the sacrifice of property sold at execution sales.

Mr. Nave introduced,

A bill, No. 164, to abolish the chancery courts in the first chancery district, at Jonesboro' and to establish the same at Elizabethton.

Mr. Smart introduced,

A bill, No. 165, for the benefit of securities in certain cases.

Which bills were severally read a first time and passed.

Mr. Cherry introduced,

A bill, No. 167, to raise revenue and to equalise the burden of taxation by introducing more uniformity in the valuation of property throughout the State of Tennessee.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Finance.

Mr. Rodgers introduced,

A bill, No. 168, to provide a remedy for the survey of land, where the regular surveyor of any county may be interested.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Public Lands.

On motion of Mr. Bledsoe,

The House took up,

A resolution, No. 106, to rescind a resolution, bringing the two Houses together on the 29th inst., for the election of a Treasurer of the State of Tennessee, and to defer the election until the 1st December next, submitted by him on the 6th inst.

Which resolution was read and rejected.

Mr. Scott submitted the following resolution, No. 111, to provide for the payment of the public debt:

Resolved by the General Assembly of the State of Tennessee, That it is proper and expedient at this time, in view of the low condition of our finances and the embarrassment of the State, to sell out at public auction, on a reasonable credit, or in exchange for State Bonds, or in discharge of the public liabilities, all the interest of the State in Internal Improvement and other incorporated companies other than those in which the State is exclusively interested.

Which resolution was read and laid on the table.

On motion of Mr. Walker of Williamson,

The House took up,

A report of the joint select committee appointed to view and select a site upon which to erect the capitol of the State, transmitted from the Senate on the 16th inst.:

Which was read at the Clerk's table as follows:

The joint select committee appointed to view and select the most eligible site within the limits of the city of Nashville, whereon to erect the capitol of the State; and that they inquire on what terms the same can be obtained.

Report that they have had said matter under consideration, and as-

after examination have settled Campbell's Hill as the most eligible site within the city of Nashville, for the erection of the Capitol of the State; that this site containing about four acres of land, including the premises enclosed by Judge Campbell, which the corporation of the city of Nashville, proposes to donate to the State for the purpose of erecting thereon the Capitol of the State and other public Improvements, and that said corporation is ready to procure a title to the State for any premises when it may be ascertained that the General Assembly are willing to receive the same for the purpose aforesaid.

The Committee thereupon respectfully submit the report and recommend the adoption of the following resolution.

J. M. ANDERSON, Chairman.

And said report was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up,

The following resolution, No. 74, from the Senate, which was read at the Clerk's table as follows:

Whereas the General Assembly have appointed a joint select committee to select the most eligible site within the city of Nashville, whereon to erect the capitol of the State, and to inquire and ascertain on what terms the same can be obtained; which committee have reported that they have selected Campbell's Hill as the most eligible site within the city of Nashville whereon to erect the capitol of the State. That said committee have also reported, that said site, containing about four acres of land, including the premises enclosed by Judge Campbell, the corporation of the city of Nashville proposes to donate to the State, as a site whereon to erect the capitol of the State, and other public improvements; that said corporation is ready to procure a title to the State for said premises, when it may be ascertained that the General Assembly are willing to receive the same for the purpose aforesaid.

Resolved by the General Assembly of the State of Tennessee, That the capitol of the State be erected on Campbell's Hill.

Resolved, That the State will receive from the corporation of the city of Nashville the donation proposed.

Resolved, That a joint select committee of one member on the part of the Senate and two members on the part of the House of Representatives be appointed to wait upon the Mayor and Aldermen of the corporation of the city of Nashville to inform them that the State is ready to receive a title to the land aforesaid that said committee procure a deed in fee to the State of Tennessee aforesaid, provided the same can be obtained upon the terms aforesaid and report as soon as practicable.

And the question being taken on the adoption of said resolution, it was determined in the affirmative.

Yeas,

43

Nays,

29

The yeas and nays being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Crouch, Crudup, Deavenport, Eubank, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hughes, Kinney, Marr, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Nave, Polk, Rawlings, Roach, Scott, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Burrus, Carson, Cleaveland, Cross of Madison, Cross of Sullivan, Dearing, Edwards, Farquharson, Fisher, Garner, Houston, Hord, Huddleston, Jourdan, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Morrow, Richardson, Rodgers, Sherrill, Smart, Trott, Turney, and Wann.

So said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Whereupon the Speaker announced to the House the appointment of Messrs. Miller of Hardeman, and Cheatham, to be of said committee on the part of the House.

On motion of Mr. Deavenport,

The House took up,

A bill, No. 123, to establish the county of Lewis.

Mr. Walker of Hickman moved to amend said bill by striking out the following words in the second section "through Centerville twelve miles to the West of Duck river, thence up Duck river to the beginning" and insert in lieu thereof the following: "to the Hickman county line, thence East and North with the same to Duck river, thence up the river to the beginning."

Which amendment was rejected.

Said bill was then read a second time and passed.

Yeas

54

Nays

16

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Cherry, Edwards, Eubank, Farquharson, Garner, Hughes, Jourdan, McGinnis, Marr, Morris, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading and was ordered to be engrossed and sent to the Senate.

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The Speaker presented a report, No. 19, from the Comptroller of the Treasury, in relation to the collection of moneys in the hands of delinquent officers.

Which report was read and referred to the Committee on Finance together with the accompanying letter book, marked A. and B.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly met in convention in the representative Hall, pursuant to an order of the convention on the day of _____ and proceeded to the election of a Treasurer of the State.

Messrs. Mathew Nelson, Isaac Sampson, James L. McKim, and Miller Francis, being in nomination as candidates for said office; after taking the vote of the House viva voce for the 7th time, without making an election.

On motion of Mr. Harris, Senator from Tipton,

The further proceeding of the convention in said election was postponed until to-morrow morning, 10 o'clock.

Thereupon Mr. Speaker and members of the Senate withdrew from the representative Hall; and the House resumed its session.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 21, 1843.

The House met pursuant to adjournment.

Mr. Williams presented petition, No. 93, from sundry citizens of Knox county, praying the Legislature, that the act passed 19th of Jan. 1838, making certain appropriations of State bonds for each grand division of the State, be carried out.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Williams also presented a petition, No. 94, from sundry citizens of Jefferson county, living in the north east corner of said county, praying the passage of an act, attaching the 15th civil district to the county of Hawkins.

Which petition was read and referred to the Committee on New Counties and County lines.

Mr. Bone presented a petition, No. 95, of sundry citizens of Gibson county, praying the Legislature to grant a charter for a turnpike road and ferry across Hatchie river, at or near Atwood's old steam mill.

Which petition was read and referred to the Committee on Internal Improvement.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and adopted a resolution

No. 68, on the subject of national exchanges, which resolution is hereby transmitted, and the concurrence of the House of Representatives therein requested.

The Speaker of the Senate has signed an enrolled resolution, entitled:

A resolution requiring the Governor to open a correspondence with the Governor of Georgia, on the subject of the navigation of the Colasauga river.

Which enrolled resolution is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the House signed said enrolled resolution.

Ordered that the clerk acquaint the Senate therewith.

Mr. Richardson, from the Committee on internal Improvement, to which had been referred sundry petitions, praying the establishment of a turnpike road and ferry across Hatchie river, at or near Atwood's old steam mill,

Reported, that the committee had had the same petition under consideration, and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted, and recommend the passage of said bill for said purpose, and ask to be discharged from the further consideration of the subject.

Which report was concurred in by the House.

Mr. Richardson, from the Committee on Internal Improvement, to which had been referred a petition, No. 42, from the citizens of the counties of Madison, Haywood, Fayette, and Henderson, praying the passage of an act prohibiting the establishment of turnpike roads in certain distances of other turnpike roads, reported that the committee had had the same under consideration, and had instructed him to report unfavorable to the object of the petitions, as they are unreasonable and ought not to be granted, and ask to be discharged from the further consideration of the subject.

Which report was concurred in by the House.

Mr. Maury, from the Committee on Enrollments, to which had been referred engrossed bills of the following titles, to wit:

A bill, No. 73, to annex a portion of the south east corner of Wilkerson county to the county of Rutherford; and

A bill, No. 122, to establish the county of Lewis;

And reported said bills as correctly engrossed.

Ordered that the clerk transmit said bills to the Senate.

Mr. Boddie introduced

A bill, No. 169, to charter a turnpike road from Gallatin to the Castilian Springs, and Hartsville, in Sumner county.

Mr. Morris introduced

A bill, No. 170, to amend an act, entitled:

An act to authorize the State of Georgia to extend her Western and Atlantic Railroad from the Georgia line to some point on the eastern margin of the Tennessee river, passed 24th of January, 1838, chapter 231.

Mr. Miller of Hardeman introduced the following bills:

A bill, No. 171, to furnish other States with the reports of the supreme courts, and

A bill to amend the revenue laws of this State, in relation to tax sales.

Which bills were severally read a first time and passed.

Mr. Gordon introduced

A bill, No. 174, to secure the collection of military fines.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Military Affairs.

Mr. Wann introduced

A bill, No. 173, giving to former Sheriffs, elected since the year 1839, the further time of one year to collect arrearages of taxes.

The chair decided the introduction of said bill to be out of order, as one of a similar import and substance had been introduced and rejected.

From which decision of the chair, Mr. Brooks took an appeal to the House.

And the question being taken, "shall the decision of the chair stand as the order of the House," it was determined in the affirmative.

The House took up

A bill from the Senate, No. 63, to incorporate the Jackson, Somerville, and Memphis turnpike company, recommitted to the Committee on Internal Improvement.

Which bill was read a second time.

Mr. Richardson moved to strike out of the 9th section "sixty years," and insert in lieu thereof "thirty years."

Mr. Crudup called for a division of the question.

And the question was first taken on striking out, as moved by Mr. Richardson, and was determined in the affirmative.

The question was then taken on filling the blank with "thirty years," as moved by Mr. Richardson.

Which motion was disagreed to by the House.

Mr. Brooks moved to fill the blank with "twenty years."

Mr. Trice moved to fill the blank with "twenty-nine years."

And the question being taken on said motion, as made by Mr. Trice, it was determined in the affirmative.

So said blank was filled with "twenty-nine years."

On motion of Mr. Fisher,

Said bill was laid on the table.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly met in convention in the representative Hall pursuant to an order of postponement of yesterday, and proceeded with the election of Treasurer of the State, Mr. Sampson having been withdrawn from the list of candidates for said office. Messrs. Nelson, Francis, and McKoin, being in nomination as candidates for said office; the convention proceeded to take the vote of the

House viva voce, and after taking the vote of the House for the 12th time, without making an election.

On motion of Mr. Richardson.

The further proceedings of the convention in said election was postponed until half past two o'clock this afternoon.

Thereupon Mr. Speaker and members of the Senate withdrew from the representative Hall, and the House resumed its session.

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Rodgers submitted the following resolution, No. 112:

Whereas by the 28th section of the 2nd article of the Constitution of this State, it is declared that all the property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform throughout the State; and

Whereas, no one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value; and

Whereas, the present mode of taxation is objectionable and should be changed; and

Whereas, by reference to the statistical calculation of the wealth of the State of Tennessee, it will be seen that by the requirements of the constitution, and by the adoption of the proper mode of taxation, there may be raised a sum quite sufficient to supply all the legitimate wants of the government without resorting to direct taxation; and

Whereas, the good people of this State are not now able to bear the same without great injury and distress; therefore

Resolved, That the Committee of Ways and Means be instructed to report upon the best method of imposing an ad valorem tax on the property of all persons, pursuant to value, on one, two, and three years time, and have leave to report by bill or otherwise.

Which resolution was read and laid on the table.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly met in convention in the representative Hall, pursuant to an order of postponement on this morning, and proceeded with the election of Treasurer of the State, the same candidates being in nomination.

And after taking the vote of the House viva voce for the 12th time, without making an election,

Mr. Martin, Senator from Wilson, moved that the convention postpone further proceedings in said election until to morrow morning, 10 o'clock.

Mr. Sneed, Senator from Rutherford, moved to postpone the further proceedings in said election until Tuesday next.

Mr. Cullom, Senator from Smith, moved to amend the motion of the Senator from Rutherford, by postponing the further proceedings of the convention in said election until Thursday the 30th inst.,

And the question being taken on said motion of Mr. Sneed, as amended, by the Senator from Smith, to postpone the further proceedings of the convention until Thursday, the 30th inst., was determined in the negative.

Yeas, 35

Nays, 39

The ayes and noes being called for by Mr. Polk, and ordered by the convention,

Those of the members of the House of Representatives who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cross of Sullivan, Crouch, Cherry, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houson, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Rawlings, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, Wan, and Wyley.

And it being reported by Mr. Cocke, clerk of the Senate, that the votes of the members of the Senate on said motion was yeas 12 votes, nays 12 votes.

And it appearing to the convention that a majority of all the votes given by both Houses on said motion were in the negative,

Said motion was disagreed to by the convention.

The vote of the House of Representatives was taken on the motion of the Senator from Wilson, to postpone the further proceedings of the convention until to-morrow morning, 10 o'clock, and was determined in the negative.

Yeas 33

Nays 41

The ayes and noes being called for by Mr. Turney, Senator from White, and ordered by the convention,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Coggin, Cleveland, Cross of Madison, Crudup, Dearing, Duggan, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Moores, Moorman, Morris, Morrow, Richardson, Roach, Rodgers, Trice, Trimble, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner,

Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Rawlings, Scott, Sherrill, Smart, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, and Wyley.

And it being reported to the convention by Mr. Cocke, clerk of the Senate, that the vote of the Senate on said motion was, yeas 13 votes, nays 11 votes,

And it appearing to the convention that a majority of all the members present had voted against said motion, it was therefore determined by the convention that the convention do not postpone the further proceedings.

The convention thereupon proceeded to take the vote of both Houses, the same candidates being in nomination.

And the vote of the House of Representatives was then taken viva voce, for the 15th time in said election, and is as follows:

FOR MR. NELSON:

Messrs. Avery, Bedsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morrow, Morris, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 36.

FOR MR. FRANCIS:

Messrs. Anderson, Black, Bobo, Cross of Sullivan, Cherry, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley, 37 votes.

FOR MR. MCKOIN:

Mr. Boddie, 1 vote.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the vote of the Senate was, for Nelson, 14 votes, for Mr. Francis, 11 votes.

And it appearing to the convention that Mathew Nelson had received a majority of all the votes given by both Houses in said election,

Thereupon the Speaker of the Senate declared the said Matthew Nelson to be duly and constitutionally elected Treasurer of the State of Tennessee for the ensuing two years.

Whereupon Mr. Speaker and members of the Senate withdrew from the Representative hall, and the House resumed its session.

On motion of Mr. Glenn,

The House then adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, NOVEMBER 22d, 1843.

The House met pursuant to adjournment.

Mr. Trimble presented the petition, No. 96, of E. H. Childress and others, on the subject of the charter of a turnpike company.

And on motion, said petition was referred to the Committee on Internal Improvement.

Mr. Rodgers presented a petition No. 97, from sundry citizens of Fentress county, praying the establishment of a special county court in said county.

Ordered that said petition be referred to the Committee on the Judiciary.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 126, to reduce the salaries and compensation of Judges and other officers of this State, reported that the Committee had had said bill under consideration, and had instructed him to report that the committee ask to be discharged from the further consideration of this bill, and to recommend its reference to the Committee of the whole House.

Which report was concurred in by the House.

Mr. Carson introduced,

A bill, No. 175, to alter the county lines of the counties of Knox, Sevier, and Jefferson, so as to include the farm of William Thompson, in the county of Jefferson.

Mr. Bone introduced,

A bill, No. 176, incorporating the town of Eaton, in the county of Gibson.

Which bills were severally read a first time and passed.

Mr. Deating submitted the following resolution, No. 113:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the hall of the latter, on the 30th day of November, to elect a Secretary for the State.

Which resolution was read on laid on the table.

Mr. Maury submitted the following preamble and resolution, No. 114:

Whereas the Legislature have just reason to believe that a powerful foreign nation is negotiating to effect the abolition of slavery in Texas, and whereas several of her leading statesmen have avowed that one of the objects to be accomplished by this policy is to enforce the ultimate abolition of that institution upon the Southern and South Western States of this Union.

And whereas the existence along our borders of a State in which manumission has been brought about by extraneous and sinister influences, we would not only endanger the many and important interests connected with the institution of slavery in the South and South West but tend to excite servile and even civil war in the United States and to effect the ultimate dissolution of the Union itself, be it therefore

Resolved by the General Assembly of the State of Tennessee, That any attempt on the part of a foreign Government at peace with the U. States, to enforce by negotiation or otherwise, the abrogation of the in-

stitution in question in the Southern and South Western States, can be viewed by the Legislature in no other light than that of interference with the domestic concerns of those States, at once officious and unjustifiable, as contrary to the law as it is incompatible with the comity of nations.

Resolved, That in the opinion of the Legislature it is the duty of the Government of the United States to counteract the designs of any foreign power in this regard, by the prompt and strenuous exertion of all rightful and constitutional means.

Resolved, That while this Legislature is not solicitous to enlarge the territory of the United States, yet if no sufficient guarantee against the interference of foreign powers in the domestic institutions of Texas can be obtained by treaty stipulations, they are decidedly of opinion that its annexation with the assent of its inhabitants to the United States, and its admission into the Federal Union as an independent member thereof, will be a measure indispensable to the peace and safety of the Southern and Southwestern States.

Which preamble and resolutions were read and laid on the table.

The House took up,

A petition from the Senate, No. 36, of sundry citizens of Blount county, praying the passage of an act authorising certain persons to build dams across Little river in Blount county.

Also, a petition, No. 42, from the Senate, of the citizens of Anderson county, in relation to the appropriation made to the three grand divisions of this State.

Which petitions were severally referred to the Committee on Internal Improvements.

The House took up petitions from the Senate as follows :

The petition, No. 37, of Samuel Wilson of Lincoln, and sundry citizens of said county, praying to be released from the payment of a judgment against Andrew A. Kincannon; and

A petition, No. 38, of Allen Presson, sheriff of Benton county, praying for Legislative relief.

Which petitions were severally referred to the Committee on Claims.

The House took up,

A petition from the Senate from Wm. Rodgers, John Ford, and others, praying for Legislative relief.

Which was referred to the Committee on the Judiciary.

The House took up,

A bill, from the Senate, No. 47, to amend an act passed September 1st, 1806, entitled "an act to incorporate the inhabitants of the town of Nashville, in the county of Davidson."

Which bill was read a first time and passed.

The House took up Senate bills of the following titles, to-wit :

A bill, No. 37, to authorise and require the entry taker of the Ocoee District to refund money in certain cases; and

A bill, No. 75, to incorporate the Memphis Conference Female Institute at Jackson.

Which bills were severally read a first time and passed.

The House took up,

Resolution from the Senate, No. 60, which was read at the Clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee of three members on the part of the Senate and four on the part of the House, be, and are hereby, instructed to report whether or not any of the incorporated Insurance Companies of this State have been carrying on any other than the legitimate business of insuring property or lives, and more especially that they report whether or not any of said companies have been or now are exercising any of the legitimate privileges of banking; whether any of them have been receiving money on deposit; whether they have been drawing specie from our State Bank and shipping the same to distant points; whether they have been or now are dealing in exchanges, and how the dealing is carried on, and upon what funds; whether they have been or now are dealing as Brokers in the buying and selling of gold and silver, notes of Banks in or out of the State, drafts or bills of exchange; and whether they have agencies in this or other States engaged in similar transactions; and whether said companies, or any of them, claim the right under their charters to carry on any or all of the aforesaid branches of trade, and whether under a proper construction of their charters any such rights are conferred.

Be it further resolved, That to enable said committee to ascertain the facts necessary to respond to the foregoing inquiries, they are hereby authorized to take the proof under oath of such persons as they may deem most likely to possess correct information.

And said resolution was concurred in by the House of Representatives.

The House then took up,

A resolution, from the Senate, No. 69, which was read at the Clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That so much of the Governor's Message as relates to a revision of the statute laws of this State be referred to a joint select committee, and that they are instructed to report by bill or otherwise.

In which resolution the House concurred.

Ordered that the Clerk acquaint the Senate therewith.

The Speaker announced to the House the appointment of Messrs. Boddie, Laury, Goode, Carson, Duggan, Miller of Hardeman, Bond, Rodgers, and Nave, to be of said committee on the part of the House of Representatives.

The House then took up,

A resolution, No. 68, from the Senate, accompanied with a report of the select committee on international exchange.

Which was read at the Clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the system of international exchanges of scientific and other works projected by M. Vattremere, of Paris, is hereby approved; and that the proposition for an exchange of such works between the Government

of France, or its public institutions, and any of the United States, is hereby accepted by the State of Tennessee.

Be it further resolved, For the purpose of effecting said exchanges, the Secretary of State, under the direction of the Governor, be required to make out and submit to the General Assembly a catalogue of such books, papers, documents, &c., appertaining to the office of said Secretary, as may be deemed proper to be selected for such exchanges, whether of a civil, historical, scientific, or other character of which there may be duplicates, including maps, charts, &c.

Be it further resolved, That his Excellency the Governor of the State of Tennessee, be hereby requested to communicate to M. Vattiere, through the American Consul, or other Ministers of the United States, resident at Paris, in France, the adoption of the foregoing resolution, and to transmit a copy of the same.

In which resolution the House concur.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Morrow,

The House took up,

A bill, No. 170, to amend an act entitled "an act to authorise the State of Georgia to extend her Western and Atlantic Railroad from the Georgia line to some point in the eastern margin of the Tennessee river," passed 24th January, 1838, chap. 221.

Which bill was read a second time and passed.

On motion of Mr. Fisher,

The House took up,

A bill, No. 105, exempting cavalry companies from serving on juries and working on roads.

Which bill was read a second time.

Mr. Brooks moved to amend said bill by striking out of the second section "three times a year," and insert in lieu thereof, "said cavalry companies shall muster once a month."

Mr. Goodall moved the indefinite postponement of said bill and amendment.

On motion of Mr. Farquharson,

Said bill and amendment was laid on the table.

A message from the Senate; by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third and last reading, bills of the following titles:

A bill, No. 108, to equalize the tax on the privilege of insuring lives and property; and

A bill, No. 83, to prescribe the manner of taking depositions in certain cases.

Which engrossed bills are herewith transmitted, and the concurrence of House of Representatives therein is requested.

The Senate have taken up and adopted a resolution, N. 66, to go into the election of Secretary of State, Judges, and Chancellor on Thursday, the 30th inst.

Which resolution is herewith transmitted, and the concurrence of the House of Representatives therein is requested.

Mr. Brooks submitted the following resolution, No. 15.

Resolved, That the Senate meet the House of Representatives in the Hall of the latter, on Thursday, the 30th inst., for the purpose of electing a Judge for the 4th judicial circuit.

On motion of Mr. Goode, the 59th rule of the House was suspended, Mr. Barringer (Mr. Smart in the chair,) moved to amend said resolution by striking out the 4th judicial circuit, and insert "all the Judges and Chancellors whose term of office will expire by the first of March next."

Which amendment was adopted.

Said resolution as amended, was then adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Maury,

The House resolved itself into a committee of the whole House and resumed the consideration of the matters referred to said committee, (Mr. Williams in the chair,) and after some time spent therein, the committee rose, and the Speaker of the House resumed the chair; and

Mr. Williams reported that the committee had had the matters referred to them under consideration, and had made further progress therein and had instructed him to ask leave to sit again.

Which report was concurred in by the House.

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The House took up Senate's bills, of the following titles:

A bill No. 83, to prescribe the mode of taking depositions in certain cases; and

A bill, No. 108, to legalise the tax on the privilege of insuring lives and property.

Which bills were severally read a first time and passed.

On motion of Mr. Black, said Senate's bill, No. 83, was referred to Committee on the Judiciary.

On motion of Mr. Nave,

The House took up,

A resolution, No. 104, authorising the Comptroller of the Treasury to settle with A. Tipton, former Sheriff of Carter county, submitted by him on the 15th inst.

Which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Scott,

The House took up,

A bill, No. 104, for the benefit of Wm. Laws and Benjamin F. Wheeler.

Which bill was read a second time.

Mr. Maury moved to amend said bill by adding the following amendment:

"In so much as to allow to the said William Laws and Benjamin F.

Wheeler the sum of two hundred and fifty dollars, for the erection of their lock and dam—instead of the sum allowed by the section aforesaid."

Which amendment was adopted.

Said bill as amended was read a third time and passed.

The House took up,

A resolution from the Senate, No. 66, to go into the election of Secretary of State, Judges, and Chancellors on Thursday the 30th inst.

On motion of Mr. Black,

Said resolution was laid on the table.

On motion of Mr. Goode,

The House took up,

A bill, No. 198, to amend the act of 1842, ch. 34.

Which bill was read a second time and passed.

Mr. Glenn introduced,

A bill, No. 177, to settle and establish the Line between Shelby and Tipton counties.

Which bill was read a first time and passed.

On motion of Mr. Brooks,

The House took up,

A resolution, No. 105, directory to the Superintendent of the Penitentiary, submitted by Mr. Morrow on the 15th inst.

Mr. Coggin moved to amend said resolution by adding the following amendment:

"Which said report shall be made on oath, which oath shall be taken before some justice of the peace for Davidson county."

Said resolution was then read and adopted.

Which amendment was rejected.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution from the House, No. 115, to bring on the election for Chancellors and Judges, on Thursday, the 30th inst.

In which resolution the Senate concur;

And the same is herewith transmitted.

The Senate have taken up and passed on its third and last reading:

A bill, No. 74, to effectuate the intentions of persons, in the devise and conveyance of real and personal property.

Which is herewith transmitted, and the concurrence of the House of Representatives therein requested.

On motion, the House resolved itself into a committee of the whole House, and resumed the consideration of sundry bills, resolutions, &c., referred to said committee.

Mr. Williams in the chair; and after some time spent therein, the committee rose, and the Speaker of the House resumed the chair.

Mr. Williams reported that said committee had had the matter referred to them, under consideration and had made further progress therein, and had instructed him to ask leave to sit again.

Which report was concurred in by the House.

The House then adjourned until to morrow morning, 9 o'clock.

THURSDAY, NOVEMBER 23rd, 1843.

The House met pursuant to adjournment.

Mr. Tyler presented a petition, No. 98, from sundry citizens of Montgomery county, praying an amendment of the Constitution, so as to establish a new county, out of the counties of Montgomery, Dickson, Stewart, and Humphreys.

Mr. Tyler moved that the Committee on New Counties and County Lines, to which had been referred a petition, No. 49, from sundry citizens, praying the establishment of a new county from the counties of Montgomery, Stewart, Dickson, and Humphreys, be discharged from the further consideration of said petition, and that said petition, No. 98, be transmitted to the Senate.

Which motion was agreed to by the House.

Ordered that the clerk transmit the said petition to the Senate.

Mr. Fisher presented a petition, No. 99, from sundry citizens of the county of Fayette, praying the Legislature not to establish a new county out of parts of Shelby, Fayette, and Tipton counties.

Which petition was read and referred to the Committee on New Counties and County Lines.

Mr. Alexander presented the petition, No. 100, of Wilson Landerlin, praying the Legislature to grant him a charter for a turnpike road from Raleigh to Memphis.

Which petition was read and referred to the committee on Internal Improvement.

Mr. Alexander also presented a petition, No. 101, from a committee on behalf of the Mayor and Aldermen of the city of Memphis, praying the Legislature to pass an act authorising the Mayor and Aldermen to employ runaway slaves in a chain gang to work the streets of Memphis.

Which petition was read and referred to the Committee on the Judiciary.

Mr. Black presented a petition, No. 102, from sundry citizens of Bedford county, praying the Legislature to pass an act to authorise the sale of school lands in this State.

Which petition was referred to the select committee on school lands.

Mr. Fisher introduced

A bill, No. 178, to establish the county of Oceola.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on New Counties and County Lines.

Mr. Alexander introduced

A bill, No. 179, to amend the several acts incorporating the town of Memphis.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Roach introduced

A bill, No. 180, to amend the law in relation to navigable streams; and for other purposes.

Which bill was read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk;

MR. SPEAKER: The Senate have received the report and the supplemental report of the Geologist of the State, and in obedience to an order of the Senate they are herewith transmitted.

The Senate have received a memorial, No. 79, from sundry citizens of the 10th school district, of Lincoln county, praying the passage of an act authorising the sale of a section of school land, lying within said district.

Which petition was read and is herewith transmitted.

The Senate have taken up and passed on its third and last reading,

A bill, No. 95, to provide more effectually for the education of apprentices

Which bill is herewith transmitted, and the concurrence of the House of Representatives therein requested.

The House took up,

The report and supplemental report of the State Geologist, transmitted this morning from the Senate.

On motion,

Said report was laid on the table.

The House took up,

A memorial from the Senate, No. 99, from sundry citizens of the 10th school district of Lincoln county, praying the passage of a law, authorising the sale of a section of school land, lying within said district, and on motion of Mr. Farquharson, said petition was referred to the select committee on school lands.

The House took up Senate's bills of the following titles:

A bill, No. 74, to effectuate the intentions of persons in the devise or conveyance of real and personal property; and

A bill, No. 95, to provide more effectually for the education of apprentices.

Which bills were severally read a first time and passed.

Mr. Rodgers submitted the following resolution, No. 116:

Whereas, the distribution of the proceeds of the public lands, is esteemed by some, contrary to the provisions of the cession deeds, made by the States to the Federal Government; and

Whereas, some have doubts as to the rights of the States to a distributive share of the same:

Therefore be it resolved, That the Committee on Federal Relations report resolutions to this General Assembly, instructing our Senators in Congress, and requesting our Representatives to use all fair and honorable means to procure the passage of laws by the Congress of the U. States to distribute the proceeds of the sales of the public lands to the States of this Union, pursuant to the provisions of said deeds and to whom they rightfully belong.

Which resolution was read and laid on the table.

On motion of Mr. Cradup,

The House took up

A resolution from the Senate, No. 52, as amended, dividing the county of Perry, making the Tennessee river the line.

Which resolution was read a second time in this House.

And the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas

66

Nays

4

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Humphreys, Jordan, Kinney, Lenoir, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Harringer.

Those who voted in the negative are,

Messrs. Farquharson, Goode, Hughes, and Tyler.

So said resolution passed a second reading in this House.

On motion of Mr. Maury,

The House took up,

A preamble and resolution, No. 114, in relation to providing safeguards for the domestic institutions of the South and South West.

Which preamble and resolutions were referred to the Committee on Federal Relations.

Mr. Humphreys who had withdrawn for amendment,

A bill, No. 120, to authorise the county courts to make appropriations to pay for the service of officers for the county courts under the old constitution, returned the same with the following amendment: by adding after the words "county court" the words "of Monroe county"

Which amendment was adopted.

Which bill as amended, was read a second time and passed.

On motion of Mr. Rawlings,

The House took up a resolution from the Senate, No. 35, in relation to the amendment of the constitution of the State of Tennessee, so that Bledsoe and Madison counties shall come under the general provisions in forming new counties.

Which resolution was read a third time.

And the question being taken, "Shall the resolution pass?" it was determined in the affirmative,

Yeas

59

Nays

14

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Fisher, Garner,

Glenn, Goodall, Hamilton, Hodsden, Hord, Houston, Huddleston, Humphreys, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moores, Moonman, Morris, Morrow, Nave, Rawlings, Roach, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Cherry, Deavenport, Edwards, Eubank, Farquharson, Goode, Jourdan, Miller of Marshall, and Tyler.

Said resolution passed on its third and last reading in this House. Ordered that the clerk transmit said resolution to the Senate.

On motion of Mr. Richardson,

Ordered that Mr. Hornbeck have leave of absence from this House until Thursday, the 30th inst.

On motion of Mr. Walker of Williamson,

Ordered that the Democratic Convention have the use of the Representative Hall for this day.

The House then adjourned until to-morrow morning 9 o'clock.

FRIDAY NOVEMBER 24, 1843.

The House met pursuant to adjournment.

Mr. Wheeler presented a petition, No. 103, from sundry citizens of Morgan and Campbell counties, praying the Legislature to grant a charter for a turnpike road to Julia F. Scott, from Montgomery, in Morgan county, to the Kentucky line.

Which petition was read, and referred to the Committee on Internal Improvement.

Mr. Nave, from the select Committee on Tippling and Tippling Houses, to which had been referred, "A bill, No. 24, to restore the rights of freemen, and for other purposes," reported that the committee had had the same under consideration, and had introduced him to report that the committee not being able to come to any correct conclusions upon that subject, had instructed him to return the same, and ask to be discharged from the further consideration of said bill.

Which report was concurred in by the House.

The bill was then read a second time.

Mr. Trott moved to amend said bill by the following amendment, that the blank in the proviso in the second section be filled with "fifty dollars, one half of which shall be paid to the county, the other half to the State."

Which amendment was adopted.

Mr. Farquharson moved that said bill as amended be laid on the table.

Which motion was disagreed to by the House.

Mr. Farquharson moved that said bill be referred to a Committee of the Whole House.

Which motion prevailed.

On motion of Mr. Dearing,

The House took up,

A resolution, No. 113, to bring on the election of Secretary of State on Thursday, the 30th inst.

Which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Rodgers,

The House took up,

A resolution, No. 116, directory to the Committee on Federal Relations, submitted by him yesterday.

Which resolution was read and adopted.

On motion of Mr. Miller of Hardeman,

The House re-considered the vote just taken, adopting a resolution No. 116, directory to the Committee on Federal Relations.

On motion of Mr. Boddie,

Said resolution was laid on the table.

On motion of Mr. Goode,

The House took up a bill, No. 70, to establish a male academy in the county of Macon, and the amendment offered by Mr. Moores on the 4th inst. constituting the 5th section of said bill.

On motion of Mr. Maury,

Said bill and amendment was referred to the Committee on Education and Common Schools

On motion of Mr. Goodall,

The House took up a bill, No. 101, to incorporate the town of Lafayette, in the county of Macon.

Which bill was read a second time and passed.

On motion of Mr. Rodgers,

The House took up a resolution, No. 112, directory to the Committee of Ways and Means.

Which resolution was adopted.

On motion of Mr. Gordon,

Ordered that Mr. Rodgers be added to the Committee of Ways and Means.

On motion of Mr. Kinney,

Ordered that Mr. Cherry have leave of absence from this House on Thursday next.

Mr. Merrow introduced,

A bill, No. 181, further to amend the redemption laws; and

A bill, No. 183, to abolish the office of Inspectors of the Penitentiary, and for other purposes.

Mr. Miller of Hardeman introduced,

A bill, No. 185, to amend the laws to improve the navigation of the rivers in the Western District; and

Mr. Humphreys introduced,

A bill, No. 186, to prevent groundless, frivolous, and malicious prosecutions, by taxing the prosecutors with the cost in certain cases.

Which bills were severally read a first time and passed.

Mr. Trimble introduced.

A bill, No. 182, to authorize the courts of law and equity to invest money in litigation in the bonds of this State.

Mr. Hamilton introduced,

A bill No. 187, to distribute the property of absconding debtors among their creditors:

Which bill was read a first time and passed, and referred to the Committee on the Judiciary.

Mr. Wheeler introduced,

A bill No. 184, to authorize Julian F. Scott to open and keep up a turnpike road.

Which bill was read a first time and passed, and ordered to be referred to the Committee on Internal Improvements.

On motion of Mr. Carson,

The House took up,

A bill No. 58, to continue the encouragement of the culture of silk in the State of Tennessee, and the amendment offered by Mr. Carson on the 29th October, in lieu of the whole bill from the enacting clause.

Which amendment was read.

Mr. Miller of Marshall moved to amend the amendment offered by Mr. Carson, by adding the following proviso:

"Provided, that no person receive the benefit of this act who is in possession of property or money of any kind to the amount of five hundred dollars over and above their liabilities."

Which amendment was rejected.

Mr. Hord moved that said bill and amendment be laid on the table.

Which motion was agreed to by the House.

Mr. Huddleston moved to amend said amendment offered by Mr. Carson by adding the following amendment: "That no person shall be entitled to a bounty on reeled silk after first having received it on the raw material, in the form of cocoons."

Which amendment was adopted.

The question was then taken on the amendment offered by Mr. Carson as amended by Mr. Huddleston, and was determined in the affirmative.

So said amendment, as amended, was adopted.

On motion of Mr. Polk,

Said bill, as amended, was referred to the select committee on the culture of silk.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed sundry resolutions and a memorial from the State of Tennessee to the Legislature of Louisiana

Which memorial and resolutions are herewith transmitted, and the concurrence of the House of Representatives therein requested.

The Senate have taken up and passed on its third and last reading,

A bill, No. 78, to provide, in certain cases, for the disposition of slaves acquitted of felonies on the plea of insanity.

Which bill is herewith transmitted, and the concurrence of the House in the passage thereof is requested.

Mr. Goode submitted the following preamble and resolution No. 117

Whereas, the Comptroller of the Treasury, in his supplemental report of the 13th of October, 1843, had reported to the General Assembly the defalcations of the public officers of this State, commencing in 1835 and ending in 1842, amounting to the sum of \$59,150 84, without distinguishing between those who are good, doubtful or insolvent, or giving in said report, any reasons for so long a delay in the collection of such as are good; and

Whereas, it is important to be ascertained whether the failure for so long a period of time to realize the amount of such defalcations has arisen from negligence or mismanagement on the part of those whose duty it was to have attended to such defalcations, or a defect in existing laws, by and under which the same are to be enforced; therefore,

Resolved, That a committee of five members of this House be appointed to examine the books, accounts, and papers of the Comptroller of the Treasury, and report upon the following, to wit;

1st. The extent of the defalcations or delinquencies of the public officers of this State.

2d. The time when said defalcations or delinquencies occurred, respectively.

3d. Whether the accounts of such defaulters or delinquents have been placed in the hands of attorneys for collection, the names of such attorneys and at what time so placed, the steps taken by such attorneys to enforce their collection, whether such attorneys have collected any of said moneys, when, how much, and the reasons the same have not been paid over; if not collected, why and the present condition of such accounts; if not put out for collection, why.

4th. Such other matters connected with said officers as said committee may deem important to be communicated to this House.

Resolved further, That said committee examine into the propriety of making further provisions by law for the enforcement of the revenue laws of this State, and the more speedy and certain collection of defalcations and delinquencies.

Resolved further, That to enable said committee to discharge the duties imposed upon them, it be and is hereby made the duty of the Comptroller of the Treasury to furnish said committee with such information as may be required, either verbally or in writing, as may be requested; and that said committee report to this House at as early a day as practicable.

Which resolution was read, and the 39th rule of the House being suspended, said resolution was adopted.

Thereupon, Mr Speaker announced the appointment of Messrs. Goode, Boddie, Trimble, and Richardson, to be of said committee.

Mr. Speaker also announced to the House the appointment of Messrs. Rodgers, Maury, Farquarson, and Bond, to be of the joint select committee on the part of the House of Representatives on Senate's resolution No. 70, with specific instructions.

Ordered that the Clerk acquaint the Senate therewith.

On motion of Mr. Moorman,

The House took up,

A bill from the Senate, No. 47, to amend an act passed September

11th, 1807, entitled, "An act to incorporate the town of Nashville, in the county of Davidson."

Mr. Trimble offered to amend said bill by adding an amendment constituting the 7th section of said bill.

Which amendment was read and adopted.

Said bill as amended was then read a second time and passed.

Mr. Nave, who had withdrawn for amendment,

A bill, No. 81, to protect and preserve the good moral of the people, returned the same without amendment.

Said bill was then read a second time and passed.

On motion of Mr. Walker of Williamson,

The House resolved itself into a Committee of the Whole House, and resumed the consideration of sundry bills, resolutions, &c., referred to said committee; Mr. Williams in the chair.

And after some time spent therein, the committee rose, and the Speaker of the House resumed the chair.

Mr. Williams reported that the committee had had the several matters referred to them under consideration, and had made further progress therein, and had instructed him to ask leave to sit again.

Which report was concurred in by the House.

The House then adjourned.

SATURDAY, NOVEMBER 25, 1843.

The House met pursuant to adjournment.

Mr. Morris presented a petition, No. 114, from sundry citizens of Wayne county, praying the Legislature to abolish the chancery court at Savannah and Lawrenceburg, and to establish a chancery court at Waynesborough, in the county of Wayne.

Which petition was referred to the Committee on the Judiciary.

Mr. Moore presented a petition, No. 105, from two hundred citizens of Macon county, praying the Legislature to pass an act by which the double State and county tax that they have paid be refunded to them.

Which petition was read, and referred to the Committee on Claims.

Mr. Williams presented a petition, No. 106, from sundry citizens of Knox county, praying the establishment of an independent bank of Knoxville.

Which petition was read and referred to the Committee on Internal Improvements.

Mr. Avery presented a petition, No. 107, from the members of a Literary society at Memphis, praying the Legislature to grant a charter to said society.

Which petition was read, and referred to the Committee on Education and Common Schools.

On motion of Mr. Edwards,

Ordered that Mr. Boddie have leave of absence until Monday next.

Mr. Beavanport submitted the following resolution, No. 118:

Resolved by the General Assembly, of the State of Tennessee, That

the Comptroller of the Treasury issue his warrant to the Trustee of Lawrence county, forty-nine dollars, and thirty-five cents, to be deducted from the amount now in the Treasury, received on fines for dipping, which said sum shall be paid over by said Trustee to the commissioners of the eleventh school district, of said county, the same having been omitted in the distributive share due to this district in the year 1842 by mistake of the county court clerk.

Mr. Farquharson submitted the following resolution No. 119:

Resolved, That the rules of the House of Representatives be so amended that no bill except from the Senate or a committee of the Whole House be received after the 15th day of December next.

Which resolutions were severally read and laid on the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: In obedience to an order of the Senate, an enrolled resolutions is herewith transmitted, entitled, "A resolution in relation to the amendment of the constitution of the State of Tennessee, so that Bledsoe and Marion counties, shall come under the general provisions of the constitution in forming new counties," for the signature of the Speaker of the House of Representatives.

The Speaker thereupon signed said enrolled resolution.

Ordered that the same be transmitted to the Senate.

Mr. Morrow introduced,

A bill, No. 188, to secure timber from destruction and depredation.

Which bill was read a first time and passed.

Mr. Avery introduced,

A bill, No. 189, to incorporate the Philomathesian society of Memphis.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

The House took up,

A bill, No. 7, to prescribe the time, place, and manner of choosing Senators to the Congress of the United States.

Mr. Farquarson moved that said bill be laid on the table.

Which motion was disagreed to by the House.

Mr. Anderson moved to amend said bill by striking out the second and third sections of said bill, and inserting the following amendment, to wit:

"That the Senate and House of Representatives shall first assemble each in their respective chambers, and proceed viva voce to the election of two Senators to the Congress of the United States to represent the State of Tennessee; and in case of disagreement between the two Houses, they shall assemble together in the hall of the House of Representatives, and proceed to choose two Senators, viva voce, to represent the State of Tennessee in the Congress of the United States."

Mr. Richardson moved for a division of the question.

And the question being first taken on the striking out, it was determined in the negative.

Yeas

26

Nays

42

The ayes and nays No. 129 being called for by Mr. Walker of Williamson and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Turney, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Goodall, Goode, Gordon, Hamilton, Hodsden, Houston, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Trott, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to strike out, as moved by Mr. Anderson.

Said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas

55

Nays

13

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Fisher, Goodall, Goode, Gordon, Hamilton, Hodsden, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Cross of Sullivan, Crouch, Eubank, Farquharson, Garner, Glenn, Hord, Huddleston, McGinnis, Marr, Miller of Hardeman, and Miller of Marshall.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Hodsden,

Ordered that Mr. Jourdan have leave of absence until Wednesday next.

The House took up,

A bill, No. 9, to prevent illegal voting.

Which was read a third time; and.

On motion of Mr. Polk,

Ordered that said bill be referred to a select committee of five members.

The Speaker thereupon announced to the House the appointment of Messrs. Polk, Miller of Hardeman, Goode, Marr, and Avery, as a select committee to take into consideration said bill, No. 9.

On motion of Mr. Polk,

Ordered that Mr. Kinney have leave of absence from attendance on this House until Monday morning.

The House took up,

A bill, No. 66, to appoint the commissioners of the Bean's Station Turnpike company, and for other purposes.

On motion of Mr. Houston,

Ordered that he have leave to withdraw said bill for amendment.

The House took up,

A bill, No. 191, to incorporate the town of Lafayette, in the county of Macon.

Which bill was read a third time.

And the question being taken; "Shall the bill pass?" It was determined in the affirmative.

So said bill passed its third and last reading, and was ordered to be engrossed and transmitted to the Senate.

The House took up,

A bill, No. 28, to incorporate the Young Men's Literary Society of Knoxville.

Which bill was read a third time.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up,

A bill, No. 28, to authorize the sale of common school lands in the State of Tennessee at the wish of the citizens of the townships where said lands may situated.

On motion of Mr. Anderson,

Ordered that said bill be laid on the table.

Mr. Marr moved that the House adjourn until Monday morning, 9 o'clock.

Which motion was disagreed to by the House.

On motion of Mr. Hamilton,

Ordered that he have leave to withdraw for amendment a bill, No. 180, to amend the law in relation to navigable streams, and for other purposes.

The House took up,

A bill, No. 170, to amend "an act entitled an act to authorize the State of Georgia to extend her Western and Atlantic Railroad from the Georgia line to some point on the eastern margin of the Tennessee River," passed 24th January, 1838, cap. 221.

Which bill was read a third time.

Mr. Lauderdale moved to amend said bill by adding the following proviso:

Provided, That the State of Georgia shall extend an arm of said Southwestern and Atlantic Railroad to the State line, at Red Clay council ground, with the Hiwassee Railroad at that point, within the time of four years, from the passage of this act.

Which amendment was rejected.

And the question being taken, "Shall the bill pass?" it was determined in the affirmative,

Yeas,

50

Nays,

15

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Dearing, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Hughes, Humphreys, Jourdan, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Trost, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Carson, Deavenport, Edwards, Eubank, Farquharson, Glenn, Houston, Huddleston, Lauderdale, Marr, Nave, Scott, Turner, Wheeler, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Coggin,

The House took up

A bill, No. 67, to incorporate the inhabitants of the town of Smithville, in the county of DeKalb.

Which bill was read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, No. 131, granting G. G. Adams, J. L. Rushing, and James Kerr, Jr. a turnpike road in the county of McNairy.

Mr. Deavenport moved to amend said bill, by inserting in the 9th line in the 4th section "within in one half mile."

Which amendment was adopted.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

Yeas,

54

Nays,

7

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Dearing, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Kinney, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Deavenport, Edwards, Farquharson, Lauderdale, McGinnis Morris, and Wyley.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed, and transmitted to the Senate.

The House then adjourned until Monday morning 9 o'clock.

MONDAY, NOVEMBER 27th, 1843.

The House met pursuant to adjournment.

Mr. Milligan presented a petition, No. 103, from sundry citizens of the county of Greene, praying a change in the law for working roads.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Carson presented a petition, No. 189, from sundry citizens of the county of Jefferson, praying the establishment of an Independent Bank in East Tennessee.

Mr. Cleaveland presented a petition, No. 110, from sundry citizens of the county of Grainger, praying the establishment of an Independent Bank at Knoxville.

Which petitions were severally read and ordered to be transmitted to the Senate.

Mr. Lenoir presented a petition, No. 111, of the officers of the 28th regiment of Tennessee Militia, praying an amendment of the military laws, in relation to the collections of military fines.

Which petition was read and referred to the Committee on Military Affairs.

Mr. Hodsdon presented a petition, No. 112, of sundry citizens of Blount, praying an alteration of the line of a proposed new county to be composed in part of a portion of Blount county.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Alexander, from the Committee on Public Lands, to which had been referred "A bill, No. 168, to provide a remedy for the survey of lands, when the regular surveyor of any county may be interested," reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and to recommend its passage.

Which bill was read a second time and passed.

Mr. Alexander, from the Committee on Public Lands; to which had been referred:

A bill, No. 110, to correct mistakes in entering lands in the Ocoee District, and for other purposes, reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment thereto, and with said amendment to recommend its passage.

Said amendment was then read as follows:

Strike out in the fourth section, after the words "pay out of the

profits of the capital stock of said Bank, and charge the same to the common school fund," and after the words "shall be," strike out "proportionably deducted from the capital stock of the principal Bank and each of the Branches," and insert in lieu thereof the following amendment: "credited by the principal Bank at Nashville, to said Branch Bank; which has paid the same according to this act."

Which amendment as reported by the committee was adopted by the House.

Said bill was then read a second time, as amended, and passed.

Mr. Kinney, who had withdrawn for amendment:

A bill, No. 180, to amend the law in relation to navigable streams, and for other purposes;

Returned the same with the following amendment: to insert after the words "the free navigation thereof," in the seventh line of the 1st sec., "or if he, she, or they shall injure, remove, or in anywise destroy, or cause to be injured, removed, or in anywise destroyed, by their agent or agents, any improvement or improvements heretofore made, by the commissioners appointed in pursuance of the laws heretofore enacted, the intent and meaning of which is, to improve the navigation of the rivers in this State," also insert after the word "Persons" in the 8th line of the same section, the word "so offending."

Which amendments were severally adopted.

Said bill was then read a second time, as amended, and passed.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred:

A petition from the Senate, from John Tropp, Hamilton Smith, Hamilton Harper, and others, citizens of Smith county, praying to be attached to DeKalb county, according to survey made by Thomas Durham, reported that the committee had had the same under consideration, and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted, and also to report a bill, No. 190, to change the line between Smith and DeKalb counties, and to recommend the passage of the same.

Said bill was then read a first time, and on motion of Mr. Brooks, said bill was laid on the table:

Mr. Goode introduced

A bill, No. 191, to amend the laws of this State, regulating the practice in the chancery courts, and reducing the expenses of the same.

Mr. Humphreys introduced

A bill, No. 192, to prevent the Bank of Tennessee and Branches from calling in more than ten per cent. on the renewal of notes.

Mr. Cheatham introduced

A bill, No. 196; to reduce the fees of clerks on settlements made with guardians.

Mr. Coggin introduced

A bill, No. 164, to exempt the different counties in this State from the payment of costs in certain cases.

Mr. Hughes introduced

A bill, No. 193, to relieve the militia in the 7th and 8th civil districts in Polk county, from attending battalion and regimental musters.

Which bills were severally read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third and last reading bills of the following titles, to wit:

A bill, No. 39, to define the liability of land, for arrearages due for taxes.

A bill, No. 77, to incorporate an association in Nashville, to be known by the style of "Advocate's Library."

A bill, No. 114, to incorporate the Franklin Wharf company, in the town of Clarksville, Montgomery county.

And a bill, No. 115, to amend the laws for the suppression of usury.

Which bills are herewith transmitted and the concurrence of the House of Representatives in the passage thereof requested.

The Senate also request the retransmission of the report and supplemental report of the Geologist, Mineralogist, and Assayer of the State.

Mr. Maury, from the Committee on Enrolled Bills, to which had been referred engrossed bills of the following titles, to wit:

A bill, No. 7, to prescribe the time, place, and manner of choosing Senators to the Congress of the United States.

A bill, No. 67, to incorporate the inhabitants of the town of Smithville, in the county of DeKalb.

A bill, No. 101, to incorporate the town of Lafayette, in the county of Macon.

A bill, No. 128, to incorporate the "Young Men's Literary Society" of Knoxville; and

A bill, No. 134, granting to G. G. Adams, J. L. Rushing, and Jas. Kerr, jr., a turnpike road in the county of McNairy, reported said bills as correctly engrossed.

Ordered that the same be transmitted to the Senate.

On motion of Mr. Moorman,

The House took up,

A bill from the Senate, No. 47, to amend an act passed September 11th, 1806, entitled "an act to incorporate the inhabitants of the town of Nashville, in the county of Davidson."

Which bill was read a third time.

Mr. Trimble moved to amend said bill by striking out in the 6th line of the second section the words "by whipping or imprisonment," and insert in lieu thereof the following amendment: "in such manner as may be prescribed by said bye laws not inconsistent with the constitution and laws of the State," and further to amend said bill by adding an amendment constituting the eighth and ninth sections of said bill.

Which several amendments were read and adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up

A bill from the Senate, No. 15, to establish two terms of the circuit courts annually, to diminish expenditures in the administration of justice, and for other purposes.

Mr. Morris moved to amend said bill by striking out "the second Monday in June and November," in the last line of the 4th section of the bill relating to the time of holding the circuit courts in the county of Lawrence, in the 4th judicial circuit, and to insert in lieu thereof "the third Monday in June and November."

Which amendment was adopted.

Mr. Cross of Madison moved to amend said bill by striking out the second section which provide that all Judges to be elected at the present session of the General Assembly, and who shall hereafter be elected shall receive an annual salary of thirteen hundred dollars only."

And the question was then taken on striking out, as moved by Mr. Cross of Madison, and determined in the affirmative.

Yeas	37
Nays	33

The ayes and noes being called for by Mr. Brooks and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Bobo, Burrus, Cheatham, Cleaveland, Cross of Madison, Crouch, Farquharson, Fisher, Glenn, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Kinney, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Rodgers, Smart, Trice, Trimble, Turner, Walker of Williamson, and Williams.

Those who voted in the negative are,

Messrs. Bond, Bone, Brooks, Carson, Coggin, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Garner, Gordon, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Nave, Polk, Richardson, Scott, Sherrill, Trott, Turney, Wann, Wheeler, Wyley, Mr. Speaker Barringer.

So the House agreed to strike out the second section of the bill.

Mr. Wyley moved that said bill be indefinitely postponed.

And the question being taken on agreeing to said motion it was determined in the negative.

Yeas	29
Nays	40

The ayes and nays being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Cheatham, Crudup, Deavenport, Farquharson, Fisher, Glenn, Gordon, Hamilton, Hughes, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Roach, Trice, Trimble, Turner, Turney, Walker of Williamson, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Bobo, Bone, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Dearing, Duggan, Edwards, Eubank, Garner, Goodall, Goode, Hodsden, Hord, Houston, Huddleston, Humphreys, Kinney, Lauderdale, Lenoir, Milligan, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott,

Sherrill, Smart, Trott, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to indefinitely postpone said bill.

Mr. Miller of Hardeman, moved to amend said bill by adding thereto an additional section providing that in all cases where a copy of the declaration shall be served upon the defendant thirty days before the session of the court the cause shall stand for trial at the first or appearance term."

Mr. Rodgers moved that said amendment be laid on the table.

Which motion was agreed to by the House.

Mr. Farquharson moved to reconsider the vote of the House striking out the second section of the bill.

And the question being taken on agreeing to said motion to reconsider, it was determined in the negative.

Yeas,	29
Nays,	33

The yeas and noes being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Carson, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Garner, Gordon, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Richardson, Sherrill, Trott, Turney, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cleaveland, Coggin, Cross of Madison, Dearing, Fisher, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Kinney, Marr, Maury, Miller of Hardeman, Moores, Moorman, Morris, Rawlings, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turner, Walker of Williamson, and Williams.

So the House refused to reconsider said vote.

Said bill, as amended, was then read a second time.

And the question being taken, "shall the bill pass?"

It was determined in the negative,

Yeas	31
Nays	36

The yeas and noes being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bobo, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Crouch, Dearing, Duggan, Edwards, Eubank, Goodall, Goode, Hodsden, Hord, Huddleston, Kinney, Lenoir, Milligan, Morris, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trott, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Cheatham, Cross of Sullivan, Crudup, Deavenport, Fisher, Garner, Gordon, Hamilton, Houston, Hughes, Humphreys, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman,

Polk, Roach, Trice, Trimble, Turner, Turney, Walker c. son, Williams, and Wyley.

So said bill was rejected.

Ordered that the Clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered sundry amendments of the House to Senate's bill, No. 47, to amend an act passed Sep. 11th, 1806, entitled "an act to incorporate the inhabitants of the town of Nashville, in the county of Davidson," and have concurred therein with an amendment to the second amendment of the House to said bill, constituting the 7th section thereof.

Which amendment is herewith transmitted and the concurrence of the House therein is requested.

The House then took up said amendment of the Senate to the seventh section of the bill as amended by the House to be inserted at the end of the section.

Which amendment was read at the clerk's table as follows:

In all cases when the constable fails or refuses to serve such process or cannot do so on account of legal disability or disability arising from sickness or necessary absence from the place of his duties.

Which amendment was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Enrolments, reported as correctly engrossed a bill, No. 170, to amend an act entitled an act to authorize the State of Georgia to extend her Atlantic and Western Railroad from the Georgia line to some point on the eastern margin of the Tennessee river, passed 24th January, 1830, chapter 221.

Ordered that the same be transmitted to the Senate.

On motion of Mr. Maury,

The House resolved itself into a Committee of the Whole House and proceeded to the consideration of sundry bills, resolutions, &c., referred to said committee; Mr. Williams in the chair.

And after some time spent therein the committee rose and the Speaker of the House resumed the chair, and Mr. Williams reported that the committee had had under consideration,

A bill from the Senate, No. 34, to reduce and fix the salaries of various public officers, and had instructed him to report the following amendment to said bill:

"Strike out all of the second section relating to circuit court Judges, and insert in lieu thereof the following amendment, to wit:"

1st. The number of Judges of the circuit court shall be and is hereby reduced to ten, and the compensation shall remain as now established by law.

2d. Insert after the words "shall be," in the second line of the 3d section the following amendment: "three dollars and fifty cents per day for each day's attendance during the session, and the same for every twenty-five miles' travel in going to and returning from the seat of government," and strike out all thereafter relating to the pay of members.

3d In compensation for clerks strike out "four," and insert in lieu thereof "four dollars and fifty cents."

4th. In compensation for doorkeepers strike out "three," and insert in lieu thereof "two dollars and fifty cents."

5th. Strike out "two" doorkeepers for the House and insert "one."

6th. Strike out the 5th, 6th, and 7th sections of the bill.

7th. Insert the following amendment as the 5th section of the bill:

Sec. 5. Nothing in this act shall be so construed as to apply to the members and officers of the present General Assembly previous to the passage of the same.

And with said amendment the committee recommended the passage of the bill.

Mr. Williams further reported to the House that the committee had made further progress in the various matters referred to them and had instructed him to report progress and to ask leave to sit again.

Which leave to sit again was granted by the House.

On motion of Mr. Coggin,

The House took up,

Resolution, No. 56, submitted by him on the 13th Oct. last, directory to the Committee on the Judiciary, on the subject of chancery courts and chancellors.

Which resolution was read and rejected.

Mr. Nave submitted the following resolution, No. 120:

Resolved by the General Assembly of the State of Tennessee, That it shall not be in order for any member to introduce any bill or resolution after the 10th day of December next, only by and through a committee, nor shall it be in order for a committee to call up a bill out of its regular order; and be it further

Resolved, That all bills shall be taken up and passed in their regular order agreeable to number; first, bills on their second readings; second, bills on their third readings.

Which was read and laid on the table.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 28, 1843.

The House met pursuant to adjournment.

Mr. Carson presented the petition, No. 11, of the commissioners for the improvement of the navigation of French Broad river.

Which was read and ordered to be transmitted to the Senate.

Mr. Cross of Sullivan, presented the petition, No. 113, from sundry citizens of Sullivan county, praying the Legislature to pass an act authorising county courts in this State to lay a tax to be applied to working on roads.

Which petition was read and referred to the Judiciary Committee.

Mr. Rodgers presented a petition, No. 114, of sundry citizens of Overton county, praying a change of the line between Overton and

Putnam counties so as to include said petitioners in the county of Putnam.

Which was read and referred to the Committee on New Counties and Connty Lines.

Mr. Roach presented a petition, No. 115, from sundry citizens of Wilson county, praying the Legislature to authorise James H. Curry to hawk and peddle or to retail goods without paying any tax therefor.

Which petition was read and referred to the Committee of Ways and Means.

Mr. Cheatham, from the Committee on Banks, to which was referred resolution, No. 79, directory to the Committee on Banks, authorising said committee to compromise with the securities of E. W. Dale, late cashier of the Branch of the Bank of Tennessee, at Columbia, reported that said committee had had the same under consideration, and had instructed him to submit the following report :

The joint committee on Banks, to whom was referred a resolution, No. 79, directory to said committee, authorising a compromise with the securities of E. W. Dale, late Cashier of the Branch Bank of Tennessee at Columbia, have had the same under consideration, and a majority of said committee have instructed me to report the following fact :

A Judgment was obtained against the securities for about \$23,000. In order that the whole facts may be clearly understood, and the then condition of the case, and the situation of the securities made known, the following statements are appended, and extended to accompany this report, No. 1, contains the statement of the President and directors of the Bank of Tennessee; No. 2, the joint statement of E. H. Ewing, and A. O. P. Nicholson; Mr. Ewing having been attorney for the Bank and Mr. Nicholson attorney for defendants, securities for E. W. Dale, late Cashier, &c., No. 3, separate statement of A. O. P. Nicholson, Esq.; and No. 4, the propositions for compromise.

The committee have instructed me to report the following resolution for the consideration and action of the Legislature, and recommend its adoption:

Resolved by the General Assembly of the State of Tennessee, That the present directors of the Bank of Tennessee, are hereby authorized and directed to compromise the judgments against the securities of Edward W. Dale, late cashier at Columbia, upon the following terms: "They are to accept from the said securities, or such of them as may tender the somes, notes on one two, or three and four years with good security in the sum of two thousand eight hundred dollars, without interest, and upon the execution of such notes as shall be satisfactory to said board, the said securities are hereby discharged from further liabilities:— Provided, The said President and Directors, after a fair investigation of the condition of said securities, shall believe the acceptance of this proposition to be for the best interest of the Bank.

All of which is respectfully submitted,

RICHARD CHEATHAM

Chairman of the Committee on Banks, of the House of Representatives
Nov. 28th, 1843.

Which report was read and concurred in by the House, and said resolution was adopted.

Ordered that the Clerk acquaint the Senate therewith.

On motion of Mr. Cheatham,

Ordered that accompanying documents numbers one, two, three and four be spread on the Journals, and be transmitted to the Senate, with said report of the Committee on Banks.

Document No. 1 is as follows:

To the Chairman of the Joint Select Committee on Banks:

I have had the honor to receive a copy of the resolution adopted by the General Assembly of the State of Tennessee, calling for information as to what legal steps have been taken against the securities of Edward W. Dale, late Cashier of the Branch of this Bank at Columbia.

I have to state that suit was brought against Henry Turney, John B. Johnson, and Lemuel H. Duncan, securities of said Dale, in 1840, and that on the 9th day of March, 1843, a judgment was recovered against them in the circuit court of Maury county for the sum of \$22,396; a motion was entered for a new trial, and at the May term, 1843, said motion was overruled. Execution was issued on the 5th June, 1843, which came to the hands of the Sheriff of said county on the 12th day June, 1843, and was returned into the office of the Clerk of said court on the 28th August, 1843, "No property found."

Mr. Turney, who is represented to be a man of considerable property, removed to Texas long before the judgment was obtained, the other securities, from the Sheriff's return, appear to be insolvent.

Mr. Johnson and a son of Mr. Turney made a proposition to the board of directors to compromise the matter by the payment of an inconsiderable amount, which the board declined.

From all the information in my possession derived principally from our counsel in the case, I think there is but little probability of making the money by execution. The Bank has expended in the prosecution of the suit in costs and attorney's fees upwards of \$1300.

Very respectfully, yr ob't. serv't.,

FELIX ROBERTSON, President.

Document No. 2 is as follows:

To the Committee on Banks:

In obedience to a vote of the Committee on Banks requesting the undersigned to make out a brief written statement relative to the facts connected with the trial of the cause in Maury circuit court, in which the Governor of the State for the use of the Bank of Tennessee was plaintiff and the securities of Edward W. Dale, late cashier of the branch at Columbia were defendants, we submit the following statements:

The undersigned were engaged on opposite sides of the cause above specified and attended to it throughout. The action was founded on the cashier's bond of E. W. Dale for breaches of the condition of the

It was alleged that about \$28 000 had been lost either by the negligence of the cashier in permitting a robbery of the bank, or through his own fraudulent and dishonest conduct in abstracting that amount from the Bank. It was also alleged that about \$8000, in addition, had been lost as shown by errors in the Bank books. The case was pending more than a year and underwent two trials before juries; in the first instance there being a mistrial, and on the second, a verdict for \$23,000. The proof in the cause made it appear to the satisfaction of all that Mr. Dale was an incompetent officer, a great many errors were detected in the books, some in favor of the cashier and others against him, commencing shortly after the execution of the bond, occurring throughout the term of his service.

The books had been so unscientifically kept that it was exceedingly difficult for any one but an experienced book-keeper to arrive at the real condition of the accounts. In reference to the alleged robbery the proof was not conclusive as to whether it took place by some other person than the cashier. The jury, however, under the facts, gave a verdict for only a portion of the loss by robbery on the ground, as the undersigned suppose, that they came to the conclusion, that some other person did rob the bank, and that the cashier was guilty of negligence, in not depositing a portion of the money in the vault of the Union Bank, as he was required to do by resolution of the board—the banking house having been deemed by the board as unsafe.

The defendants resisted a recovery mainly on the following grounds: First—That the books had been so *unscientifically* kept that it was not possible to ascertain with certainty whether any real loss had occurred. Second—(and this was the main ground of defence:) that the securities executed the bond with an eye to the terms and conditions of the bank charter, and that in as much as by the charter the board of directors were required to superintend the cashier, to examine the books, and publish periodical statements of the condition of the bank, the said provisions in effect became parts of the contract entered into by the securities, and if it appeared that the directors had failed to comply with the several provisions of the charter, in making examinations and exposing errors, then that the securities were released. This position was sustained by respectable authority, but was opposed by other authority deemed by the circuit judge of more weight.

The trial occupied a great length of time, and the verdict was rendered for about \$23,000 00; all of which is respectfully submitted.

A. O. P. NICHOLSON,
EDWIN H. EWING.

Document No. 3, is as follows:

"In addition to the foregoing joint statement the undersigned submits the following:

"The securities of E. W. Dale, against whom the suit was brought, were James H. Plummer, Samuel H. Duncan, John B. Johnson, and Henry Tunney; the judgment was rendered against all but James R. Plummer, who was discharged under the plea of bankruptcy.

"At the time the bond was taken, all the securities had the appearance of being solvent; the undersigned has acted as a general Attorney

for all three of the securities, against whom the judgment was rendered, and believes that he knows with some accuracy their present situation as to solvency. Samuel H. Duncan has removed to the State of Mississippi, and is under very heavy liabilities and is utterly insolvent.

"Henry Turney has removed to Texas, and left no property as the undersigned believes, in the State of Tennessee. He carried with him considerable property in negroes. He has left behind him liabilities as endorser and drawer of notes and bills to the amount of about \$15,000 most of which is now in litigation in the courts.

"John B. Johnson remains in Tennessee, and if he has any means liable to the judgment the undersigned does not know it, and he has an intimate acquaintance with his situation.

"From his knowledge of all the circumstances connected with the case, and the situation of the parties, the undersigned is well satisfied that it is the interest of the bank to accept the proposition submitted by the securities. The undersigned knows that the said securities have friends who propose to make safe the amount proposed, and he does not believe that any thing will ever be made by holding up the judgment in force over the securities.

A. O. P. NICHOLSON."

Document No. 4, is as follows:

To the Committee on Banks.

"The undersigned on behalf of the securities of the late Edward W. Dale, Cashier of the Branch of the Bank of Tennessee, at Columbia, in accordance with a resolution to the Committee on Banks, to receive a proposition for the compromise of the judgment against the said securities, ask leave respectfully to submit the following statement and proposition:

"The judgment against the securities of E. W. Dale, was rendered on the bond of said Dale, in consequence of losses sustained during two years, through the negligence of said cashier; the amount claimed by the Bank was about \$36,000, and the amount of the judgment is about \$23,000. The judgment was recovered after long delay in the court, and one mistrial. Whilst the case was pending one of the securities, James R. Plummer, was released by the operation of the bankrupt law; another, Henry Turney, removed to Texas, where he now lives; another, Samuel H. Duncan, removed to Mississippi, where he now lives, and is insolvent; the other security, John B. Johnson, has remained in Tennessee. They will state that Henry Turney is under heavy liabilities as endorser and on his own account and has all of his property in Texas; and that John B. Johnson has been prevented for the last three years from engaging in any business in consequence of the pendency of said suit, and is unable to make any payment of himself, but they state that their friends have agreed to aid them if they can be discharged, by securing a reasonable amount. They have therefore, determined to propose to secure, in such manner as will be satisfactory to the Bank, the sum of \$2,800 in four annual payments, and they state in making this proposition they have fixed the highest amount which they can secure.

"They beg leave further to refer the committee to Edwin H. Ewing, one of the Attorneys of the Bank, in the prosecution of the suit, and A. O. P. Nicholson, one of the Attorneys of the securities, for all the facts contained with merits of this proposition.

All of which is respectfully submitted."

Of the above amount, to the proposition to compromise, I offer for Duncan and myself, thirteen hundred dollars, payable as above stated.

JOHN B. JOHNSON,
for himself and Samuel H. Duncan

November 14th, 1843.

Of the above amount, proposed as a compromise, I propose to secure on the time above specified, for Henry Turney, fifteen hundred dollars.

G. B. HELM,
for Henry Turney.

November 14th, 1843."

Mr. Alexander, from the Committee on Public Lands, to which had been referred a petition, No. 8, from sundry citizens of Roane and Monroe counties to have the processions law revived and amended, reported that the committee had had the same under consideration and had instructed him to report that the committee ask to be discharged from the further consideration of said petition, and also to recommend the same to be referred to the Committee on the Judiciary.

Which report was concurred in by the House.

Ordered that said petition be referred to the Committee on the Judiciary.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred a bill from the Senate, No. 63, to refund to White county the interest upon the common school fund improperly paid over under the act of 1837-8, reported that said committee had had the same under consideration and had instructed him to report the same to the House without amendment; and to recommend the passage of the bill.

Said bill was then read a second time and passed.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which was referred a bill, No. 70, to establish a male academy in the county of Macon, and the amendment thereto offered by Mr. Moores on the 4th inst., constituting an additional section, reported that said committee had had the same under consideration and had instructed him to report the bill and amendment to the House without amendment and to recommend the passage of said bill and amendment.

On motion of Mr. Moores,

Ordered that said bill and amendment be laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a bill, No. 125, to reduce the salaries of the public officers of this State, reported that the committee had the same under consideration and had instructed him to report that inasmuch as the provisions of said bill are similar to if not identical with other bills now before the House, therefore the committee had instructed him to

report said bill to the House without amendment, and to recommend its indefinite postponement.

On motion of Mr. Black,

Ordered that said bill and report of the committee be laid on the table.

Mr. Moores moved a reconsideration of the vote of the House on yesterday rejecting a bill, No. 15, from the Senate, to establish two terms of the circuit court annually, to diminish expenses in the administration of justice, and for other purposes.

Ordered that said motion be laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 179, to amend the several acts incorporating the town of Memphis, reported that the committee had had the same under consideration and had instructed him to report said bill without amendment, and recommend its passage.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 122, to authorize the courts of law and equity to invest money in litigation in the bonds of this State, reported that the committee had had the said bill under consideration and had instructed him to report the same without amendment and to recommend its passage.

Which said bill was read a second time and passed.

Mr. Cleaveland introduced,

A bill, No. 196, for the redemption of personal property.

Mr. Brooks introduced,

A bill, No. 198, to incorporate the trustees of the Jackson seminary, in the county of Jackson.

Mr. Huddleston introduced,

A bill, No. 199, to prevent grand juries from being unnecessarily detained to the injury and expense of the several counties in this State.

Which bills were severally read a first time and passed.

Mr. Wann introduced,

A bill, No. 197, to prescribe the duties of chancellors and judges in certain cases.

Mr. Milligan introduced,

A bill, No. 200, to amend the laws now in force in relation to deeds of trust.

Mr. Duggan introduced,

A bill, No. 202, authorizing and allowing appeals from the decisions of county courts in certain cases.

Mr. Cross of Sullivan introduced,

A bill, No. 203, to authorize the county court of Sullivan county to lay a tax for working the public roads in said county.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Humphreys introduced,

A bill, No. 201, to change the appropriation heretofore made to the Little Tennessee river and to apply the same to the Tellico river, in the county of Monroe.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

A communication in writing from his Excellency the Governor of the State, was handed into the House by John S. Young, Esq., Secretary of State.

Which communication was read at the clerk's table as follows:

Executive Department,
NASHVILLE, Nov. 28, 1843. }

Gentlemen of the Senate and House of Representatives:

I have received sundry resolutions from the State of Connecticut, with the request that they be presented to the General Assembly of this State.

I have also received the report of the board of commissioners for the improvement of Clinch river, all of which are herewith transmitted.

JAMES C. JONES.

On motion of Mr. Bond,

Ordered that said communication and accompanying documents be laid on the table.

The Speaker laid before the House a memorial, No. 116, of the president, directors, and company of the Union Bank of the State of Tennessee, praying the Legislature to pass a law reducing the par value of the capital of said Bank from \$100 to \$80 the share.

On motion of Mr. Trimble,

Ordered that said memorial be referred to the Committee on the Judiciary.

On motion of Mr. Rodgers,

The House took up,

A resolution, No. 116, directory to the Committee on Federal Relations in relation to the distribution of the proceeds of the sales of the public lands.

Mr. Rodgers thereupon offered the following in lieu of the preamble and resolution:

Whereas the proceeds of the sales of the public lands since the payment of the national debt, to which they were pledged, belong of right to the States; and whereas, it is provided in the constitution of Tennessee that in the event of their distribution among the States, the share received by Tennessee shall be applied to the purposes of education and internal improvements forever;

And whereas, the fund thus divided would enable Tennessee to meet all the engagements which she has entered into for these purposes without the necessity of resorting to additional taxation; be it therefore

Resolved by the General Assembly of the State of Tennessee, That while this Legislature are convinced of the ability and willingness of Tennessee to meet all her engagements without extraneous aid, yet satisfied with the justice of her title to a distributive share of said pro-

needs, and desirous of lightening her burdens to the extent it can be done without compromising her honor, they are decidedly of opinion that her rightful claim to said distributive share is enforced by the strongest considerations of present expediency.

Resolved, That the Secretary of State be and he is hereby directed to forward a copy of the foregoing preamble and resolutions to each of the Senators and Representatives in Congress.

Which amendment was read and adopted.

The resolution as amended was laid on the table.

Mr. Marr submitted the following resolution, No. 121:

Be it resolved by the House of Representatives, That all the members of the Convention, who formed the Constitution of this State, are hereby invited to seats within the bar of this House, whenever they may think proper to visit it.

Which resolution was read, and the 59th rule being suspended, said resolution was adopted.

Mr. Williams submitted a memorial, No. 117, of the General Assembly of the State of Tennessee, to the Congress of the United States, requesting an appropriation for removing obstructions in the Holston and Tennessee rivers.

Which memorial is as follows:

Your memorialists represent, that the eastern portion of the State of Tennessee abounds in the most valuable minerals, and its water power is not surpassed by any other portion of the Union. Its agricultural and manufacturing capabilities are such, that if there was a safe, easy, and continuous way of transportation to the Atlantic markets, for the agricultural and manufacturing products of that section of the State, capitalists would most assuredly make investments there, by means of which its resources would be fully developed, adding thereby immensely to the wealth and prosperity of the State, and to the general wealth of the Union. To accomplish this most desirable object, it is only necessary that the obstructions to the navigation of the Tennessee and Holston rivers, from the Muscle Shoals to the head of steamboat navigation, should be removed; the very heart of the interior of the Union would thus be rendered accessible, by water, from the whole Atlantic sea board.

The great Western and Atlantic Railroad, leading from Savannah and Charleston, intersects the Tennessee river at the flourishing town of Chattanooga, by means of which road, if the obstructions to the navigation of the river above Chattanooga were removed, there would be a safe and speedy communication between all of East Tennessee, and the whole southern and south eastern markets.

The General Government has heretofore only to a very limited extent bestowed her fostering care upon this State, by pecuniary appropriations.

Your memorialists therefore earnestly and respectfully insist upon the propriety and expediency of Congress making at this time an appropriation, adequate to the accomplishment of this great object; therefore

Resolved, That the Governor of this State forward a copy of the

foregoing memorial to each of the Senators and Representatives of this State, to the Congress of the United States; and that they are requested to present the same, and to use their best efforts to procure the passage of a law to carry into effect the objects of said memorial.

Which memorial was read and laid on the table.

Mr. Cheatham submitted the following resolution, No. 122:

Resolved, That the Hon. Daniel L. Barringer, the Speaker of this House, has ably, faithfully, and impartially discharged his duty as its presiding officer.

Which resolution was read.

Mr. Boddie in the chair; Mr. Goode moved the suspension of the 59th rule of the House, requiring resolutions to lie one day on the table.

Which motion failing, said resolution was laid on the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received a petition, No. 86, from sundry citizens of Monroe county, praying for the grant of a charter for a turnpike road, from Maryville to the Georgia line.

Which they have read, and is herewith transmitted to the House.

The Senate have taken up and considered a resolution from the House, No. 91, instructing our Senators in Congress, and requesting our Representatives.

In which resolution the Senate have concurred, with an amendment thereto, which is herewith transmitted and the concurrence of the House therein requested.

The Speaker of the Senate has signed an enrolled resolution, entitled "A resolution on the subject of international Exchanges of Literary, scientific, and other works, between the Government of France and its Public institutions, and any of the United States."

Which enrolled resolution is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Senate have read a third time and passed bills of the following titles:

A bill, No. 30, to authorise the county court of Monroe county, to make appropriations in certain cases; and

A bill, No. 106, to amend the 4th section of the act of 1835, chapter 13.

Which bills are herewith transmitted, and the concurrence of the House therein requested.

The Senate have taken up and considered the report of the joint committee on Banks, and the accompanying resolution, reported by said committee, authorising the President and directors of the Bank of Tennessee, to compromise with the securities of E. W. Dale, late cashier of the Branch of said Bank at Columbia.

In which resolution the Senate concur.

The Speaker of the Senate has signed an enrolled bill, entitled:

An act to amend an act passed Sept. 11th, 1806, entitled:

An act to incorporate the inhabitants of the town of Nashville, in the county of Davidson.

Which enrolled bill is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Nave,

The House took up

A resolution, No. 120, regulating the order of business of the House.

Mr. Rawlings moved to amend the resolution, by striking out the word "tenth" and inserting in lieu thereof the word "seventh" as the day of next month, after which it shall not be in order for any member to introduce a bill or resolution except through a committee.

Mr. Black moved to strike out all that part of the resolution relating to the introduction of Bills.

Mr. Polk moved to lay said resolution and amendments on the table.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas,

36

Nays,

34

The ayes and noes, No. 127, being called for by Mr. Walker of Williamson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bone, Brooks, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Humphreys, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Moores, Polk, Rodgers, Sherrill, and Trott.

Those who voted in the negative are,

Messrs. Boddie, Bond, Burius, Carson, Cheatham, Cleveland, Duggan, Goode, Hodsden, Huddleston, Hughes, Lenoir, Maury, Miller of Hardeman, Milligan, Moorman, Nave, Rawlings, Roach, Scott, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wan, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said resolution was ordered to the table.

On motion of Mr. Morris,

The House took up

A bill, No. 70, to establish a male academy in the county Macon.

The amendment heretofore offered by Mr. Moores, as an additional amendment, proposes to appropriate to said Macon academy, the sum \$480, being the amount heretofore appropriated to Ocoee Academy, in Powell county for two years.

Which amendment was adopted.

The bill as amended, was then read a third time.

And the question being taken, shall the bill pass, it was determined in the negative.

Yeas

34

Nays

36

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Edwards, Glenn, Goodall, Hamilton, Hodsdon, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Lenoir, Morris, Roach, Rodgers, Scott, Trice, Trimble, Turner, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Carson, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Eubank, Fisher, Garner, Goode, Gordon, Hord, Kinney, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Nave, Rawlings, Richardson, Sherrill, Smart, Trott, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Wyley.

So said bill was rejected.

Mr. Avery moved to reconsider the vote of the House just taken rejected said bill.

Mr. Goodall moved to reconsider the vote of the House adopting the amendment constituting the fifth section of the bill.

Which motions were severally agreed to by the House.

Mr. Miller of Hardeman then moved to amend said amendment so as to appropriate two hundred and forty dollars only to said academy.

Which amendment prevailed.

Said amendment, as amended, was thereupon adopted.

And thereupon the question was again taken, "Shall the bill pass?" and determined in the affirmative.

Yeas,

46

Nays,

25

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Edwards, Eubank, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Moores, Morris, Polk, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Wyley and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Carson, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Garner, Hord, Kinney, McGinnis, Marr, Maury, Milligan, Moorman, Nave, Rawlings, Richardson, Trott, Turney, Walker of Williamson, Wann, Wheeler, and Williams.

So said bill passed its third and last reading in the House, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Moores,

The House resolved itself into Committee of the Whole House, and proceeded to the consideration of the various bills, resolutions, &c., heretofore referred to them; Mr. Williams in the chair.

And after some time spent therein, the committee rose, and the Speaker of the House resumed the chair.

Mr. Williams, from said committee, reported that the committee

had had the various matters referred to them under consideration, and had made further progress therein, and ask leave to sit again.

Which leave to sit again was granted by the House.

The House then adjourned.

WEDNESDAY, NOVEMBER 29th, 1843.

The House met pursuant to adjournment.

Mr. Duggan presented a petition, No. 118, from sundry citizens of Sevier county, praying the establishment of an independent bank in East Tennessee.

Which was ordered to be transmitted to the Senate.

Mr. Hodsden presented a petition of sundry citizens of Blount county, praying the Legislature to grant a charter for a turnpike road from Maryville to the Tennessee river, at the mouth of Clinch creek, and thence across the said river and up said creek to the top of the Smoky mountain.

Which was read, and referred to the Committee on Internal Improvements.

Mr. Turney presented the petition of certain citizens of Robertson county, praying an alteration in the dividing line, between the counties of Robertson and Sumner counties, so as to include petitioners in the county of Sumner.

Which was read and referred to the Committee on New Counties and County Lines.

Mr. Richardson, from the Committee on Internal Improvements, to which was referred the petition, No. 96, of E. H. Childress, and others on the subject of the Charlotte Turnpike company, reported that said committee had had the same under consideration, and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted; and also to report

A bill, No. 204, to amend the charter of the Nashville and Charlotte Turnpike Company.

And the committee recommend the passage of said bill.

Said bill was then read a first time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which was referred,

A bill, No. 187, to distribute the property of absconding debtors, amongst their creditors;

Reported that said committee had had the same under consideration and had instructed him to report said bill without amendment, and to recommend its rejection.

Which was read a second time and rejected.

Mr. Crudup introduced

A bill, No. 205, to repeal an act, passed the second day of December, 1839, chapter 14, and for other purposes.

Mr. Cross of Madison introduced

A bill, No. 206, to incorporate the Denmark male academy, in the county of Madison.

Which bills were severally read a first time and passed.

On motion of Mr. Cheatham,

The House took up resolution, No. 122, expressive of the sense of this House in relation to the conduct of its presiding officer, submitted by him on yesterday.

Which resolution was read.

The Speaker thereupon requested that said resolution be permitted to lie on the table.

Whereupon Mr. Hodsden moved that said resolution be laid on the table.

Which motion was agreed to by the House.

And said resolution was accordingly laid on the table.

On motion of Mr. Boddie,

The House took up

A bill, No. 141, to appoint one revenue commissioner, for each county.

Ordered that said bill be referred to the Committee on Finance.

Mr. Trimble submitted the following resolution, No. 124:

Resolved by the General Assembly of the State of Tennessee, That the decisions of the supreme court of the United States, inasmuch as they contain the only authoritative exposition of the constitution and laws of the Union, ought to be published under the authority of the National Legislature, and at the general expense; that copy right thereof ought not to be granted to any individual; that they ought to be circulated in the same manner as the acts of Congress themselves; that it would be a wise and beneficent policy, to present copies thereof to all the colleges, public libraries, and incorporated institutions of learning throughout the Union, that all the decisions of the courts from the beginning, which are of public interest, ought to be edited and published anew from the materials in the clerk's office of the court; and that the Senators and Representatives of this State in the Congress of the United States, are hereby respectively requested to use their best exertions to procure the passage of a law to carry this important design into early execution.

Which resolution was read and laid on the table.

Mr. Maury, from the Committee on Enrolments, reported as correctly engrossed:

A bill, No. 70, to establish a male academy in the county of Macon.

Ordered that said bill be transmitted to the Senate.

The Speaker of this House signed an enrolled resolution from the Senate, entitled:

A resolution on the subject of international exchanges of literary, scientific, and other works between the Government of France, or its public institutions, and any of the United States.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Black,

The House took up

A bill, No. 34, from the Senate, to fix the salaries of various public officers.

The amendment reported from the committee of the whole House, being under consideration;

Mr. Farquharson moved to amend the amendment by striking out "ten" as the number of the circuit Judges; and inserting in lieu thereof "eleven."

Which amendment was adopted:

Mr. Farquharson moved to amend the amendment by striking out the words "compensation now allowed by law, and in lieu thereof insert "fourteen hundred dollars" as the compensation of the circuit Judges.

And the question being taken on agreeing to said amendment, it was determined in the negative.

Yeas	33
Nays	35

The ayes and noes being called for by Mr. Farquharson; and ordered by the House,

Those who voted in the affirmative are,

Messrs: Anderson, Black, Brooks, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Eubank, Farquharson, Fisher, Garner, Goodall, Houston, Huddleston, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Rodgers, Trott, Turney, Wann, Wheeler, Wyley, Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatnam, Cross of Madison, Crudup, Edwards, Glenn, Goode, Gordon, Hamilton, Hord, Hodsden, Hughes, Kinney, Maury, Miller of Hardeman, Moores, Moorman, Morris, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Williams.

So said amendment was rejected.

Mr. Wyley moved to amend the amendment reported by the committee of the whole by striking out the words "compensation now allowed by law," and to insert in lieu thereof the words "the number of Judges shall be reduced to eleven, and their annual compensation shall be thirteen hundred dollars each."

Mr. Polk moved a division of the question:

The question was thereupon taken on striking out as moved by Mr. Wyley, and was determined in the negative.

Yeas,	33
Nays,	36

The ayes and noes, No. 131, being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative are,

Messrs: Anderson, Black, Brooks, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Nave, Polk, Sherrill, Trott, Turney, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cross of Madison, Crudup, Dearing, Edwards, Farquharson, Goode, Gordon, Hamilton, Hodsden, Hord, Kinney, Maury, Miller of Hardeman, Moores, Moorman, Morris, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Williams.

So the House refused to strike out, as moved by Mr. Wyley.

The question then recurred on concurring in the first amendment of the committee of the whole House, as amended, to wit: striking out all of the second section of the bill relating to circuit court Judges, and inserting in lieu thereof the following words: "the number of Judges of the circuit courts shall be and is hereby reduced to eleven, and the compensation shall remain as now established by law."

And the question being taken on concurring in said amendment as amended, it was determined in the affirmative.

Yeas,	50
Nays,	19

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cleaveland, Cross of Madison, Crudup, Deavenport, Dearing, Edwards, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Carson, Coggin, Cross of Sullivan, Crouch, Duggan, Eubank, Farquharson, Garner, Houston, Huddleston, Hughes, Humphreys, Lenoir, Nave, Sherrill, Trott, Turney, Wyley, and Mr. Speaker Barringier.

So said first amendment of the committee of the whole as amended was concurred in by the House.

Mr. Bond moved to amend the third section of the bill by striking out "sixty days," in the third line and "three dollars per day," in the fourth line, and to insert in lieu thereof "eighty days" and "one dollar per day."

Mr. Bledsoe moved to amend the amendment moved by Mr. Bond, by striking out "one dollar," and to insert "two dollars" as the daily compensation of members after "eighty days."

Which amendment offered by Mr. Bledsoe, was rejected.

The question then recurring on Mr. Bond's amendment,

Mr. Brooks moved a division of the question.

The question was then taken on striking out "sixty days" as moved by Mr. Bond, and was determined in the affirmative.

The question was then taken on filling the blank with "eighty days."

Which amendment was agreed to by the House.

The question then recurred on striking out "three dollars per day after eighty days" and inserting "one dollar," and was determined in the affirmative.

Yeas

53

Nays

18

The ayes and noes, No. 133, being called for by Mr. Walker of Williamson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Bond, Bone, Burrus, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Eubank, Fisher, Goode, Hamilton, Hodsdon, Houston, Huddleston, Hughes, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Boddie, Brooks, Carson, Deavenport, Edwards, Farquharson, Garner, Glenn, Goodall, Gordon, Hord, Humphreys, Kinney, Moores, Nave, and Turner.

So said amendment was adopted.

Mr. Lenoir moved to amend the bill by striking out "four dollars per day," as the daily compensation for the members for the first eighty days in the third line of the third section,

And the question being taken on agreeing to said amendment it was determined in the affirmative,

Yeas

45

Nays

25

The ayes and noes, No. 134, being called for by Mr. Williams, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Farquharson, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Houston, Huddleston, Hughes, Jourdan, Lauderdale, Lenoir, Miller of Marshall, Milligan, Morris, Moorman, Rawlings, Richardson, Rodgers, Scott, Smart, Trott, Walker of Hickman, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bobo, Bone, Cross of Madison, Deavenport, Eubank, Fisher, Garner, Hord, Humphreys, Kinney, McGinnis, Maury, Miller of Hardeman, Morris, Nave, Polk, Roach, Sherrill, Trice, Trimble, Turney, Turner, Wheeler, and Wan.

So the motion to strike out "four dollars" was agreed to by the House.

Mr. Miller of Hardeman moved to fill the blank with "three dollars and fifty cents."

Mr. Goodall moved to fill said blank with "three dollars sixty-two and a half cents."

Which motions were severally rejected.

Mr. Lenoir moved that the blank be filled with three dollars.

And the question being taken on said motion it was determined in the negative.

Yeas	34
Nays	37

The ayes and nays, No. 135, being called for by Mr. Lenoir, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bond, Carson, Cheatham, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Goode, Hamilton, Houston, Huddleston, Humphreys, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Scott, Trott, Turney, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Black, Bobo, Boddie, Bone, Brooks, Burrus, Cleveland, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hodsdon, Hord, Hughes, Jourdan, Kinney, McGinnis, Maury, Moores, Nave, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman; Wann, Wheeler, Williams, and Wyley.

So the House refused to fill the blank with three dollars.

Mr. Williams moved that said blank be filled with one dollar.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas	33
Nays	39

The ayes and nays, No. 136, being called for by Mr. Williams, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Brooks, Burrus, Cheatham, Cleveland, Cross of Madison, Dearing, Duggan, Farquharson, Glenn, Goodall, Goode, Hodsdon, Houston, Huddleston, Hughes, Humphreys, Jourdan, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Nave, Rawlings, Rodgers, Trice, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Carson, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Eubank, Fisher, Garner, Gordon, Hamilton, Hord, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Milligan, Morrow, Polk, Richardson, Roach, Scott, Sherrill, Smart, Trimble, Trott, Turner, Turney, Tyler, Wheeler, and Mr. Speaker Barringer.

So the House refused to fill the blank with one dollar.

Mr. Polk thereupon moved at 10 minutes before four o'clock, that the House adjourn until to-morrow morning, 9 o'clock.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas	25
Nays	43

The ayes and nays, No. 137, being called for by Mr. Williams, and ordered by the House.

Those who voted in the affirmative are

Messrs. Anderson, Boddie, Bone, Brooks, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Eubank, Garner, Glenn, Goodall, Hord, Houston, Huddleston, Kinney, Polk, Richardson, Scott, Sherrill, Trott, Turner, and Walker of Hickman.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Bobo, Bond, Carson, Cheatham, Cleveland, Crouch, Duggan, Farquharson, Fisher, Goode, Gordon, Hamilton, Hodgeson, Huges, Humphreys, Jourdan, Lauderdale, Le noir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Miligan, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Rodgers, Smart, Trice, Trimble, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Wyley.

So the House refused to adjourn.

After further discussion on said bill and amendments, the House adjourned.

FRIDAY, NOVEMBER 30th, 1843.

The House met pursuant to adjournment.

Mr. Carson presented the petition of sundry citizens of the county of Jefferson, praying the establishment of an Independent Bank in East Tennessee.

On motion of Mr. Carson,

Ordered that said petition be transmitted to the Senate.

Mr. Avery presented the petition of sundry citizens of Fayette county remonstrating against the establishment of a new county.

Ordered that said petition be referred to the Committee on New Counties and County Lines.

Mr. Hord presented the report of the commissioners for the improvement of the Holston River.

Ordered that said report be laid on the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received the petition of sundry citizens of Cocke county, praying the establishment of an Independent Bank in East Tennessee.

Which they have read and ordered to be transmitted to the House of Representatives

The Senate have taken up and considered the resolution of the House of Representatives, No. 113, proposing to go into the election of Secretary of State on this day.

In which resolution the Senate concur.

Mr. Maury, from the Committee on Enrolments, reported as truly enrolled, an enrolled resolution, entitled:

A resolution authorizing the President and directors of the Bank of Tennessee, to compromise the judgment against the securities of Edward W. Dale, late cashier of the Branch of said Bank at Columbia

The Speaker of the House thereupon signed said enrolled resolution.

Ordered that the same be transmitted to the senate, for the Signature of the Speaker thereof.

Mr. Richardson moved that the House take a recess for five minutes, in order to prepare the Representative Hall, for the reception of the Senate, in order to go into the election of Secretary of State, Chancellors and Judges, set apart for this day, by a joint resolution, adopted by both Houses.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas	46
Nays	25

The ayes and noes, No. 138, being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsee, Bond, Burres, Cheatham, Cross of Madison, Cross of Sullivan, Crouch, Cradup, Deavenport, Garner, Glenn, Goode, Gordon, Hamilton, Hodsdon, Houston, Humphreys, Kinney, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bone, Brooks, Carson, Cleveland, Coggin, Dearing, Duggan, Edwards, Eubank, Fairquharson, Fisher, Goodall, Hord, Huddleston, Lauderdale, Lenoir, McGinnis, Marr, Milligan, Polk, Rodgers, Trott, Turney, Wann, and Wyley.

So said motion to take a recess, for the purpose of going into said elections, was agreed to by the House.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly assembled in convention in the Representative Hall, in pursuance of a joint resolution adopted by both Houses, for the purpose of going into the election of Secretary of State, Chancellors, and circuit court Judges, set apart for this day by said resolution.

Mr. Cocke, Senator from Grainger, moved that the convention proceed first to the election of a chancellor for the Eastern Division, and then to the election for a chancellor for the Middle Division, and that the convention then proceed to the election of circuit court Judges, commencing with the second district, and progressing regularly according to the number of judicial circuits, where elections have to be made by this General Assembly.

Which motion was disagreed to by the convention.

Mr. Rodgers then moved that the convention proceed in the first place to the election of a Secretary of State.

The ayes and noes being called for on said motion by Mr. Sneed, Senator from Rutherford, and ordered by the convention.

And the question being taken on said motion it was determined in the affirmative.

The result of the vote of the House being,

Yeas,	56
Nays,	19

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Fisher, Garner, Glenn, Goode, Gordon, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Burrus, Eubank, Farquharson, Goodall, Hamilton, Hodsden, Humphreys, Maury, Morris, Nave, Polk, Rawlings, Roach, Trimble, Wan, Wheeler, and Mr. Speaker Barringer.

It being reported to the convention by Mr. Cooke, clerk of the Senate, that the result of the vote of the Senate on said motion was, yeas 10, nays 13.

The Speaker of the Senate thereupon declared that said motion had prevailed.

Whereupon the convention proceeded to the election of Secretary of State, John S. Young, John P. Perkins, and Anthony Dibrell being in nomination as candidates for said office.

The vote of the two houses of the General Assembly was thereupon taken viva voce in said election, and the vote of the House of Representatives was as follows:

FOR JOHN S. YOUNG:

Messrs. Alexander, Anderson, Black, Bledsoe, Bobo, Boddie, Bone, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Farquharson, Fisher, Garner, Goodall, Gordon, Hord, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Scott, Sherrill, Smart, Trimble, Trott, Turner, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Wyley, and Mr. Speaker Barringer—53 votes.

FOR JOHN P. PERKINS:

Messrs. Avery, Bond, Burrus, Cross of Madison, Duggan, Hamilton, Hodsden, Jourdan, Lenoir, Nave, Rawlings, Richardson, Roach, Trice, and Williams—16 votes.

FOR ANTHONY DIBRELL:

Messrs. Brooks and Rodgers—

FOR MILLER FRANCIS:

Messrs. Glenn, McGinnis, and Walker of Hickman—3 votes.

FOR WILLIAM I. STANDIFER:

Mr. Eubank—1 vote.

It being reported to the convention by Mr. Cooke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Young, 14 votes, for Perkins, 9 votes, and for Dibbreel, 2 votes.

And it appearing that John S. Young had received a majority of all the votes given by both houses in said election, the Speaker of the Senate thereupon declared the said John S. Young to be duly and constitutionally elected Secretary of State for four years from and after the 4th day of December next, the expiration of his present term of service.

The convention then proceeded to the election of Chancellor for the Eastern Division, Thomas L. Williams being in nomination as a candidate for said office.

The vote of the two houses was thereupon taken viva voce in said election, and the vote of the members of the House of Representatives was as follows:

FOR THOMAS L. WILLIAMS:

Messrs. Alexander, Anderson, Avery, Black, Blissce, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Goodall, Goode, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Maury, Miller of Hardman, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Sherrill, Smart, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer—52 votes.

FOR THOMAS C. LYONS: (Not being nominated)

Messrs. Bobo, Cherry, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Huddleston, Hughes, Lauderdale, Mari, McGinnis, Miller of Marshall, Polk, Rodgers, Scott, Turner, Turney, Walker of Hickman, Wann, and Wyley—23 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Williams, 21 votes, and for Lyon, 4 votes.

And it appearing to the convention that Thomas L. Williams had received a majority of all the votes given by both houses in said election.

The Speaker of the Senate thereupon declared the said Thomas L. Williams to be duly and constitutionally elected Chancellor of the Eastern Division of the State for eight years from and after the 5th day of February next, the expiration of his present term of service.

The convention thereupon proceeded to the election of a Chancellor for the Middle Division of the State, Terry H. Cahal and Lunsford M. Biam et being in nomination as candidates for said office.

The vote of the two houses was then taken viva voce in said election.

And the vote of the members of the House of Representatives was as follows:

FOR TERRY H. CAHAL:

Messrs. Alexander, Anderson; Avery, Black, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Glenn, Goodall, Gordon, Hamilton, Holsden, Hord, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Maury, McGinnis, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trott, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wyley—58 votes.

FOR LUNSFORD M. BRAMLET:

Messrs. Bobo, Boddie, Edwards, Eubank, Fisher, Garner, Goode, Houston, Huddleston, Lauderdale, Miller of Hardeman, Rodgers, Trimble, Turner, Turney, and Mr. Speaker Barringer—16 votes.

FOR MR. FULTON:

Mr. Marr—1 vote.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Cahal, 18 votes, and for Bramlett, 7 votes.

And it appearing that Terry H. Cahal had received a majority of all the votes given by both houses in said election.

The Speaker of the Senate thereupon declared that the said Terry H. Cahal was duly and constitutionally elected Chancellor for the Middle division of the State for eight years from and after the 5th day of February next, the expiration of the term of service of the present incumbent.

The convention thereupon proceeded to the election of a circuit court Judge for the second Judicial circuit.

Messrs. Ebenezer Alexander and Samuel R. Rodgers being in nomination as candidates for said office.

The vote of the two Houses was then taken viva voce, in said election.

And the vote of the members of the House of Representatives in said election was as follows:

FOR EBENEZER ALEXANDER:

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bond, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Crouch, Deavenport, Eubank, Fisher, Glenn, Goodall, Goode, Hamilton, Holsden, Hord, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Moores, Moorman, Morrow, Polk, Rawlings, Richardson, Roach, Smart, Trice, Trimble, Trott, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer—47 votes.

FOR SAMUEL R. RODGERS:

Messrs. Bobo, Boddie, Bone, Brooks, Carson, Cleaveland, Cross of Sullivan, Crudup, Dearing, Duggan, Edwards, Farquharson, Garner, Gordon, Houston, Huddleston, Hughes, McGinnis, Miller of Marshall, Milligan, Morris, Marr, Rodgers, Scott, Sherrill, Turner, Turney, and Wann—28 votes.

It being reported to the convention by Mr. Cocke, clerk of the Sen-

ate, that the vote of the Senate in said election was, for Mr. Alexander 22 votes; and for Mr. Rodgers 3 votes.

And it appearing that Mr. Alexander had received a majority of all the votes given by both Houses in said election, the Speaker of the Senate, thereupon, declared the said Ebenezer Alexander to be duly and constitutionally elected Judge of the circuit court of second judicial circuit for eight years from and after the 5th day of February next, the expiration of the term of service of the present incumbent.

The convention thereupon proceeded to the election of a Judge for the third judicial circuit, Messrs. John O. Cannon, Charles F. Keith, and T. Nixon Vandyke, being in nomination as candidates for said office.

The vote of both Houses was then taken, viva voce, in said election without making an election, neither of the candidates having received a majority of all the votes given by both Houses.

The convention thereupon proceeded to take the vote of both Houses viva voce, for the second time in said election.

And the vote of the members of the House of Representatives, was then taken for the second time in said election, and was as follows:

FOR JOHN O. CANNON:

Messrs. Alexander, Bobo, Boddie, Bone, Brooks, Carson, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Fisher, Goodall, Goode, Gordon, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Marr, McGinnis, Miller of Marshall, Moores, Nave, Polk, Smart, Trott, Turner, Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Bawitget—10 votes.

FOR CHARLES F. KEITH:

Messrs. Bond, Cheatham, Garner, Hord, Hodsden, Jourdan, Lercir, Maurv, Milligan, Morrow, Moorman, Rawlings, Roach, Rodgers, Trimble, Turney, and Walker of Williamson—17 votes.

FOR T. NIXON VANDYKE:

Messrs. Anderson, Avery, Black, Bledsoe, Burrus, Cross of Madison, Fairgharson, Glenn, Hamilton, Kinney, Miller of Hardeman, Moores, Richardson, Scott, Sherrill, Trice, Tyler, and Williams—18 votes.

It being reported by Mr. Cocke clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. Cannon 10 votes; for Mr. Keith 12; and for Mr. Vandyke 2 votes.

And it appearing that Mr. John O. Cannon had received a majority of all the votes given by both Houses in said election,

The Speaker of the Senate thereupon declared said John O. Cannon to be duly and constitutionally elected Judge of the circuit court of the third judicial circuit for eight years from and after the 5th day February next, the expiration of the term of service of the present incumbent.

The convention then proceeded to the election of a circuit court Judge for the fourth judicial circuit. Messrs. Abram Caruthers, and Mason . . Bryant, being in nomination as candidates for said office.

The vote of the two Houses was then taken, viva voce, in said elec-

tion and the vote of the members of the House of Representatives was as follows :

FOR ABRAM CARUTHERS :

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Burrus, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Edwards, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, Lenoir, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer—53.

FOR MANSON M. BRIEN :

Messrs. Bobo, Bone, Carson, Coggin, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Humphreys, Lauderdale, Marr, McGinnis, Miller of Marshall, Nave, Sherrill, Trice, Trott, Walker of Hickman, Wann, and Wheeler—23 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. Caruthers, 21 votes, and for Mr. Brien 3 votes.

And it appearing that Mr. Caruthers had received a majority of all the votes given by both Houses in said election,

The Speaker of the Senate thereupon declared the said Abram Caruthers to be duly and constitutionally elected Judge of the circuit court for the fourth judicial circuit, for eight years from and after the 5th day of February next, the expiration of his present term of service.

The convention thereupon proceeded to the election of a circuit court Judge for the 5th judicial circuit, Messrs. Samuel Anderson and Edwin A. Keeble, being in nomination as candidates for said office.

The vote of both Houses was then taken viva voce, in said election and the vote of the members of the House of Representatives was as follows :

FOR SAMUEL ANDERSON :

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer—41 votes.

FOR ELWIN A. KEEBLE :

Messrs. Anderson, Black, Bobo, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Edwards, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.—34 votes,

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. Anderson 16 votes, and for Mr. Keeble 3 votes.

And it appearing that Mr. Anderson had received a majority of all the votes given by both Houses in said election.

The Speaker of the Senate thereupon declared Samuel Anderson to be duly and constitutionally elected Judge of the circuit court for the 5th judicial circuit for eight years from and after the 5th day of February next, the expiration of his present term of service.

The convention thereupon proceeded to the election of a circuit court Judge for the seventh judicial circuit, Mr. Mortimer A. Martin, being in nomination as a candidate for said office.

The vote of the two Houses was then taken viva voce, in said election, and the vote of the members of the House of Representatives in said election was as follows :

FOR MORTIMER A. MARTIN.

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Boad, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherill, Smart, Trice, Trimble, Turner, Turvey, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.—71 votes.

FOR FELIX PARKER:

Mr. Edwards — 1 vote.

It being reported to the convention by Mr. Cocke clerk, of the Senate, that the result of the vote of the Senate in said election was, for Mr. Martin 25 votes.

And it appearing that Mr. Martin had received a majority of all the votes given by both Houses in said election.

The Speaker of the Senate thereupon declared the said Mortimer A. Martin, to be duly and constitutionally elected Judge of the circuit court for the 7th judicial circuit for eight years from and after the 5th day of February next, the expiration of his present term of service.

The convention thereupon proceeded to the election of a Judge of the circuit court for the 8th judicial circuit, Mr. Edmund Dillahunt being in nomination as a candidate for said office.

The vote of the two Houses was then taken viva voce in said election, and the vote of the members of the House of Representatives in said election was as follows:

FOR EDMUND DILLAHUNT:

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Farquharson, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Middleston, Hughes, Humphreys, Jourdan Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall,

Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer, 73 votes.

It being reported by Mr. Cocke, Clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. Edmund Dillahunty, 24 votes.

And it appearing that Mr. Dillahunty had received a majority of all the votes given by both Houses in said election;

The Speaker of the Senate thereupon declared the said Edmund Dillahunty to be duly and constitutionally elected Judge of the circuit court for the eighth judicial circuit, for 8 years, from and after the 5th day of February next, the expiration of his present term of service.

The convention thereupon proceeded to the election of a circuit court Judge for the 10th judicial circuit, Mr. John Read being in nomination as a candidate said office.

The vote of the two Houses was then taken viva voce in said election.

And the vote of the members of the House of Representatives in said election, was as follows:

FOR JOHN READ:

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Bruns, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Fairgharson, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Holslen, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer, 70 votes.

FOR FELIX PARKER:

Messrs. Deavenport, Eubank, Garner, and Nave, 4 votes.

It being reported by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. Read, 24 votes; and for Mr. Parker, 1 vote.

And it appearing that Mr. Read had received a majority of all the votes given by both Houses in said election;

The Speaker of the Senate thereupon declared the said John Read to be duly and constitutionally elected Judge of the circuit court, for the 10th judicial circuit, for 8 years from and after the 5th day of Feb. next, the expiration of his present term of service.

The business that brought the two Houses together, having been disposed of, Mr. Speaker and members of the Senate withdrew from the Representative Hall, and the House resumed its session.

On motion of Mr. Hord,

The House then adjourned until 2 o'clock, this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Flord moved that the House take up a report, No. 12, of the commissioners for the improvement of the navigation of the Holston River, submitted by him on this morning.

Which motion prevailing, said report was read and ordered to be transmitted to the Senate.

Mr. Rodgers introduced

A bill, No. 207, prescribing the duties of Judge advocates, in certain cases.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Richardson introduced

A bill, No. 208, to form a new regiment in Rutherford county.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Military Affairs.

Mr. Morris introduced

A bill, No. 209, to regulate the pay of members of the Legislature, clerks, and dockkeepers.

Mr. Sherrill introduced

A bill, No. 210, to authorise Alexander H. Montgomery, of Bladsoe county, and Robert Quills, of Hamilton county, to open a turnpike road.

Which bills were severally read a first time and passed.

On motion of Mr. Crudup,

The House took up

A bill, No. 114, to amend and explain the act of 1843, chap. 34.

Which bill was read a second time and passed.

A message from the Senate by Mr. Cooke, their clerk:

Mr. SPEAKER: The Senate have adopted a resolution, No. 82, that no bill or resolution shall be introduced or presented after the 11th of December, in either House, except through committees.

They have also adopted a resolution, No. 84, in reference to the publication and circulation of the decisions of the supreme court of the United States.

Which resolutions are herewith transmitted, and the concurrence of the House therein requested.

The Speaker of the Senate has signed an enrolled resolution from the House of Representatives, entitled:

A resolution authorising the President and directors of the Bank of Tennessee to compromise the judgment against the securities of E. W. Dill, late cashier of the Branch of said Bank at Columbia.

Which enrolled resolution is herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr. Williams submitted the following resolution, No. 125:

Resolved, That it is expedient that the present Legislature adjourn at the earliest day practicable, and that the necessities of an almost exhausted Treasury admonish us, we ought to dispatch, as early as consistent with the public interest, all the business that is now, or may be brought before the General Assembly.

Resolved, That in order to effect this desirable object, it is hereby established as a rule of this House, that no gentleman shall address the House longer than thirty minutes on any subject, except by consent of two thirds of the members present, and in the event leave is granted to any member to continue his remarks, the whole time consumed by said member shall be recorded on the journal.

Resolved, That after the morning call for petitions and reports from committees, it would be first in order to introduce bills and resolutions; bills upon their second and third reading, will then be taken up in the order in which they were introduced; and it will not be in order to take up any bill out of its regular order, unless said bill has been on the table by a previous vote of the House, but it will be in order, at any time after the morning business, to consider resolutions.

Which resolutions were read and laid on the table.

On motion of Mr. Avery,

The House took up

A resolution, No 91, instructing our Senators in Congress and requesting our Representatives; the amendment of the Senate, to said resolution being under consideration.

Which amendment was read at the clerk's table, and is as follows:

Strike out the word "instructed" in the third line of said resolution, and insert in lieu thereof the word "requested."

Mr. Avery moved that this House concur in said amendment of the Senate.

And the question being taken on agreeing to said motion, it was determined in the affirmative

Yeas.

26

Nays

53

The ayes and noes, No. 139, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bone, Brooks, Burns, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crouch, Dearme, Duggan, Goodall, Good, Hamlin, Hodsden, Humphreys, Lane, Maury, Moores, Moorman, Motz, Morrow, Nash, Rogers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Whetter, Williams, and Mr. Speaker Burdinger.

Those who voted in the negative are,

Messrs. Anderson, Poto, Black, Boddie, Bond, Cherry, Cross of Sullivan, Crouch, Dravenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Marshall, Miligan, Nave, Polk, Richardson, Smart, Scott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So the House concurs in said Senate's amendment.

Ordered that the clerk acquaint the Senate therewith.
 On motion of Mr. Hord,
 The House adjourned until to-morrow morning, 9 o'clock:

FRIDAY, DECEMBER 1, 1843

The House met pursuant to adjournment.

Mr. Crouch presented the petition of sundry citizens of the county of Washington, praying that William and Levi Hotsa Le released from confinement in the Penitentiary.

Which was read and referred to the Committee on the Judiciary.

Mr. Wheeler presented the petition of William Carey, jailor of the county of Campbell, praying for legislative relief.

Which was read and referred to the Committee on Claims.

Mr. Wana presented the petition of sundry citizens of Meigs county praying the passage of a law giving justices of the peace jurisdiction of assaults and batteries except with intent to kill.

Which was read and ordered to be transmitted to the Senate.

Mr. Alexander presented the petition of sundry citizens of Shelby county on the subject of a criminal court at Memphis.

Which was read and referred to the Committee on the Judiciary.

Mr. Alexander presented the petition of sundry citizens of the counties of Fayette and Shelby, remonstrating against the establishment of a new county to be created out of the territory of said counties.

Which petition was read and referred to the Committee on New Counties and County Lines.

Mr. Rodgers, from the Committee on Military Affairs, to which had been referred,

A bill, No. 367, prescribing the duties of Judge advocates in certain cases, reported that the Committee had had the same under consideration and had instructed him to report said bill without amendment and to recommend its passage.

Said bill was then read a second time and passed.

Mr. Army, from the Committee on Enrollments, reported as truly enrolled a resolution of the General Assembly of the State of Tennessee remonstrating against and urging the repeal of an army order, No. 40, issued on the — day of July, 1842.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Morrow, from the Committee on Claims, to which had been referred the following petition:

A petition from the Senate, No. 38, from Allen Presson, Sheriff of Benton county, praying that the Legislature refund to him seventy-five dollars for sundry reasons therein set forth.

A petition, No. 34, from sundry citizens of Coffee county praying

ing legislative relief for Joshua Jones; and 45

A petition, No. 61, from the Sheriff and other citizens of Coffee county, praying legislative relief for said Sheriff, Robert LaSiter, reported that the committee had had the several petitions under consideration and had instructed him to report that it is not expedient to grant the prayer of the petitioners and ask to be discharged from the further consideration of said petitions.

On motion of Mr. Black,

Said report and petitions were laid on the table.

Mr. Boddie, from the Committee on Finance, to which had been referred a report of the Comptroller of the Treasury, No. 10, in relation to the collection of moneys in the hands of delinquent officers, and letter books A and B, reported that the committee ask to be discharged from the further consideration of the same, and recommend their reference to the select committee raised for that purpose.

Which report was concurred in by the House.

Ordered that said report, No. 10, and accompanying documents be referred to the select committee on that subject.

Mr. Boddie, from the Committee on Finance, to which had been referred:

A resolution, No. 95, directory to the Comptroller of the Treasury, reported that the committee had had under consideration, and had instructed him to report in favor of the objects of said resolution, and to recommend its adoption, because, the said sheriff was unable to attend to his duties on account of sickness.

Said resolution was then read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Boddie, from the Committee on Finance, to which had been referred,

A resolution, No. 110, directory to the Comptroller of the Treasury, reported that the committee ask to be discharged from the further consideration of said resolution, and recommend its reference to the Committee on Claims.

Which report was concurred in, and said resolution was referred.

Mr. Boddie, from the Committee on Finance, to which had been referred,

A bill, No. 72, to authorize the county court to, at their discretion, to appoint the sheriff or other persons, collectors of State and county taxes, reported that said committee had had the same under consideration and asked to be discharged from the further consideration thereof, inasmuch as another general bill containing a similar provision was on a former day reported by the committee to the Senate, and is now on its passage.

On motion of Mr. Duggan,

Said bill and report was laid on the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received the petition of Jackson P. Boeck, praying the Legislature to change his name for obvious reasons.

The Senate have received and read a communication from the Presi-

dent of the Planter's Bank of Tennessee, at Nashville, in obedience to a resolution.

Which petition and communication is herewith transmitted.

The Senate have taken up and passed on their third reading the following bills:

A bill, No. 6, to repeal the act of 1842, chap. 3, entitled "an act to abolish imprisonment for debt," and for other purposes.

And a bill, No. 64, to amend the law for the collection of the State revenue.

Which bills are herewith transmitted and the concurrence of the House in the passage thereof requested.

The Speaker of the Senate has signed an enrolled resolution from the House entitled:

A resolution of the General Assembly of the State of Tennessee remonstrating against, and urging the repeal of "an army order, No. 40, issued on the day of July, 1842.

Which enrolled resolution is herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State

Mr. Cheatham introduced,

A bill, No. 211, to authorise the President and directors of the Planter's Bank of Tennessee to declare certain dividends.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Banks.

Mr. Cleaveland introduced,

A bill, No. 212, to reduce the fees of certain county officers.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Deavenport introduced,

A bill, No. 213, to amend the act of 1842, chap. 34, accepting the agency created by the act of Congress, of the 18th day of February, 1842, in relation to the vacant and unappropriated lands South and West of the Congressional reservation line.

Mr. Milligan introduced

A bill, No. 214, to amend an act entitled:

"An act to extend the Rhea academy, in the town of Greenville," and for other purposes, passed Feb. 3d, 18—.

Mr. Morris introduced

A bill, No. 215, to extend the corporate limits of the town of Waynesboro, in the county of Wayne.

Which bills were severally read a first time and passed.

Mr. Duggan introduced

A bill, No. 216, prohibiting the appointment of executors and administrators, and guardians in certain cases.

Mr. Duggan also introduced

A bill, No. 217, to repeal the 2nd and 3rd sections of the act passed January, 22nd, 1838.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

On motion of Mr. Miller of Marshall,

The House took up

A bill from the Senate, No. 66, to incorporate the Jackson, Somerville, and Memphis turnpike company.

Mr. Farquharson offered the following amendment to said bill:

And whereas, the interest of the people of the State, is the paramount consideration for granting this charter of incorporation, in order to guard and protect the public interest against contingencies which may happen, but cannot be foreseen.

Sec. 2. *Be it enacted*, That this General Assembly reserves to itself and all future Legislatures, the right to alter or amend this charter of incorporation, when in the opinion of the General Assembly, the public good may require it.

Which amendment was read and adopted.

Said bill was then read a second time, as amended, and passed:

On motion of Mr. Carson,

The House took up

A bill, No. 146, to alter the county line between the counties of Jefferson and Grainger, so as to include the lands of Nathaniel Line, in Jefferson county.

Said bill was then read a second time and rejected.

On motion of Mr. Deavenport,

The House took up

A resolution, No. 118, directory to the Comptroller of the Treasury.

Which was read and referred to the Committee on Education and Common Schools.

On motion of Mr. Wyley,

Ordered that he have leave to withdraw for amendment:

A bill, No. 185, to amend the laws to improve the navigation of the rivers in the Western District.

The House took up bills from the Senate of the following titles, to wit:

A bill, No. 59, to authorise the county court of Monroe county, to make appropriations in certain cases.

A bill, No. 39, to define the liability of land for arrearages of taxes.

A bill, No. 78, to provide in certain cases for the disposition of slaves acquitted of felony on the plea of insanity.

A bill, No. 77, to incorporate an association in Nashville, to be known by the style of the "Advocates' Library."

A bill, No. 106, to amend the 4th section of the act of 1835, chapter 13.

A bill, No. 114, to incorporate the Franklin wharf company in the town of Clarksville, Montgomery county; and

A bill, No. 115, to amend the laws for the suppression of usury.

Which bills were severally read a first time and passed.

Mr. Price submitted a resolution, No. 126, which is as follows:

Resolved, That the Speaker of the House shall immediately upon taking the chair at 9 o'clock, A. M. on each day before proceeding to

other business, order a call of the House and direct the names of all the absentees to be entered on the journal.

Which resolution was read and laid on the table.

The House took up,

A petition from the Senate, No. 86; from sundry citizens of Monroe county praying for the grant of a charter for a turnpike road from Maryville to the Georgia State line.

Which petition was read, and

On motion of Mr. Humphreys,

Said petition was referred to the Committee on Internal Improvements.

Mr. Wyley, who had withdrawn for amendment,

A bill, No. 185, to amend the laws to improve the navigation of rivers in the western district, returned the same with an amendment to the second section by inserting the names of two additional commissioners, and also by adding two sections, the 3d and 4th, to the bill.

Which amendments were severally adopted.

Mr. Bond moved further to amend the bill by adding thereto an amendment constituting the fifth section of the bill.

Which amendment was adopted.

The bill as amended was then read a second time and passed.

The House took up,

A bill from the Senate, No. 64, to amend the law for the collection of the State revenue.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Finance.

On motion of Mr. Cherry,

Ordered that Mr. Wyley have leave of absence for one week from to-morrow morning.

Mr. Walker of Hickman, moved a reconsideration of the vote of the House on Wednesday, the 27th inst, refusing to fill the blank in the 3d section of the bill, No. 44, from the Senate, to reduce and fix the salaries of various public officers with "three dollars" as the per diem compensation of members of the General Assembly.

The House took up

A bill from the Senate, No. 6, to repeal the act of 1842, chap. 3, entitled:

An act to abolish imprisonment for debt, and for other purposes.

Mr. Brooks moved that said bill be indefinitely postponed.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas-

15

Nays

53

The yeas and nays, No. 140, being called for by Mr. Brooks, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Bond, Brooks, Cherry, Coggin, Cross of Sullivan, Deaver, Fort, Glenn, Goodall, Huddleston, Kinney, Lauderdale, Nave, Sherill, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crouch, Dearing, Duggan, Edwards, Farquharson, Fisher, Garner, Goode, Gordon, Hamilton, Hord, Houston, Hughes, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turney, Turner, Tyler, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to indefinitely postpone said bill.

Said bill was then read a first time and passed.

Mr. Williams moved that the House take up the resolution, No. 125, submitted by him on yesterday, relative to the order of proceedings of this House, and to save the State of Tennessee \$15,000, without increasing the taxes of the people, or diminishing the salaries of public officers.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas

36

Nays

31

The yeas and nays No. 141, being called for Mr. Williams, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Avery, Black, Bobo, Bond, Books, Burrus, Carson, Cheatham, Cross of Madison, Crouch, Crouch, Duggan, Farquharson, Goode, Hamilton, Hughes, Lenoir, Maury, Miller of Marshall, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wann, Waleler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bledsoe, Boddie, Cherry, Cross of Sullivan, Deavenport, Dearing, Edwards, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Knapp, Lauderdale, McGinnis, Miller of Hardeman, Milligan, Nave, Polk, Rodgers, Scott, Sherrill, Walker of Hickman, and Wyley.

So the House agreed to take up said resolution.

Mr. Polk moved to amend the resolution by striking out the words "two thirds," in the second of the second resolution, and inserting in lieu thereof the words "a majority."

Which amendment was agreed to by the House.

Mr. Gordon moved to amend said resolution by striking out all of the second resolution.

Which amendment was agreed to by the House.

Mr. Goodall moved to lay said resolution on the table.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

The House adjourned until the next day.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bledsoe, Boddie, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Farquharson, Garner, Glenn, Goodall, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Moores, Nave, Polk, Rodgers, Scott, Sherrill, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Black, Bolo, Bond, Bone, Brooks, Burrs, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Duggan, Fisher, Goode, Gordon, Hord, Houston, Humphreys, Lenoir, Maury, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Rawlings, Roach, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wain, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to lay said resolution on the table.

Pending the discussion on said resolution,

The House adjourned until to-morrow morning, 9 o'clock.

SA TURDAY, DECEMBER 2nd, 1843.

The House met pursuant to adjournment.

Mr. Roach presented the petition, No. 127, of sundry citizens of the county of Wilson, praying an alteration in the county lines between said county, and the county of Cannon.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Fisher presented a petition, No. 128, from a portion of the bar in the 11th judicial circuit, praying an alteration in the time of holding the courts in said circuit.

Which petition was read and referred to the Committee on the Judiciary.

Mr. Avery presented a petition, No. 129, from sundry citizens of Shelby county, praying the incorporation of the Memphis Lyceum.

Which petition was read and referred to the Committee on Education and Common Schools.

Mr. Tyler presented the petition, No. 130, of the directors of the Clarksville and Russellville turnpike company, praying the Legislature to authorise the Treasurer to receive from said company, two thousand five hundred dollars, of State bonds, on account of dividends to the State for said company.

Which petition was read and laid on the table.

Mr. Duggar presented a petition, No. 131, from sundry citizens of the county of Sevier, praying the establishment of an Independent bank in East Tennessee.

Which petition was read and ordered to be transmitted to the Senate.

On motion of Mr. Prior,

The House took up

A petition, No. 68, from sundry citizens of Hardin and McNairy counties, praying the Legislature to grant to G. G. Adams, J. L. Rush and James Kerr, Jr. a charter for a turnpike road in the county of McNairy.

Ordered that said petition be transmitted to the Senate.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred:

A bill, No. 203, to authorise the county court of Sullivan county, to lay a tax for working the public roads in said county, and

A bill, No 202, authorising and allowing appeals from the decisions of county courts, in certain cases;

Reported that the committee had had said bills under consideration, and had instructed him to report said bills without amendment, and to recommend their passage.

Said bills were severally read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred:

A report, No. 7, of the Comptroller of the Treasury, in relation to the decree of the chancery court at Knoxville, in favor of Louisville, Cincinnati, and Charleston Railroad Company;

Reported that the committee had had the same under consideration, and had instructed him to report:

A bill, No. 217, to authorise the payment of money to the Louisville, Charleston, and Cincinnati Railroad Company, and to cancel certain state bonds, issued to said company, and to recommend the passage of the same.

Said bill was then read a first time and passed.

Mr. Morrow, from the Committee on Claims, to which had been referred a petition, No. 36, of Hugh McCodin, claiming payment for apprehending and bringing back a criminal who fled from justice, reported that the committee had had the same under consideration, and had instructed him to report,

A bill, No. 219, for the relief of Hugh McCodin, constable of Shelby county, and to recommend its passage.

Said bill was then read a first time and passed.

Mr. Tyler submitted the following preamble and resolution, No. 127:

Whereas, the Directors of the Clarksville and Russellville turnpike company, have sent to the General Assembly of the State of Tennessee, a memorial, stating, that on the completion of the road, two thousand five hundred dollars, of the State bonds issued for the State subscription to said road, remained on hand in consequence of their not having received them in due time to pay them to the contractors, and that at the time of making the first dividend, fifteen hundred dollars of the State bonds were set apart and declared as a dividend to the State, and that subsequently, one thousand dollars had been declared in the same manner; and whereas, said State bonds were offered to the Treasury of the State, in payment of the dividends to the State, who refused to take them, alleging that he was not authorised to receive any thing but money; therefore be it

Resolved by the General Assembly of the State of Tennessee, That the State Treasurer be, and he is hereby authorised and directed to receive from the Treasurer of the Clarksville and Russellville Turnpike Company, two thousand five hundred dollars of State bonds, in lieu of the dividends to the State as set forth in the above preamble.

Which resolution was read and laid on the table.

Mr. Trice submitted the following resolution No. 128:

Resolved, That the Committee on Public Lands, be instructed to prepare and report a memorial to the Congress of the United States, praying a relinquishment of two thirds of the proceeds of the public lands south and west of the congressional reservation line, to the State of Tennessee, to be applied to the establishment of a college in the Western District.

Resolved, That said committee be instructed to report a memorial, praying the relinquishment of the balance of the proceeds of lands to be applied to the use of the Memphis Hospital.

Mr. Hamilton submitted the following resolution, no. 129:

Resolved, That the public interest demands a speedy termination of business, as great public expense is incurred by unnecessary delay.

Resolved, That the House of Representatives, for the purpose of expediting the business of the Legislature, hold night sessions.

Mr. Humphreys submitted the following resolution, no. 130:

Resolved by the General Assembly of the State of Tennessee, That the Superintendent of Public Instruction, or the Comptroller of the Treasury, set apart out of the next annual distribution of the school fund the sum of \$162 07, to be paid to the trustee of Monroe county, and by him to the commissioners of the first township, section, range, east of the meridian in said county of Monroe.

The commissioners of said township having failed to report the school's population for the year 1842.

Which resolutions were severally read and laid on the table.

Mr. Avery introduced

A bill, No. 239, to incorporate the Memphis Lyceum.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Hod-den introduced

A bill, No. 221, to secure bonafide purchasers in their possessions and titles.

Mr. Rodgers introduced

A bill, No. 223, to define the duty of persons claiming property exempt from taxation by the laws of this State.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Morrow introduced,

A bill, No. 222, to appoint John Kelley, of Monroe county, proprietor of the new road commencing at the Eastern termination of the Jackson and Memphis turnpike and terminating on the east side of the Lockport road in Hamilton county.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

On motion of Mr. Avery,

The House took up,

A bill, No. 153, authorising the Lagrange and Memphis railroad company to relinquish their right of way through Memphis, if they deem it expedient.

Ordered that said bill be referred to the Committee on the Judiciary.

On motion of Mr. Cleaveland,

The House took up the report, No. 13, of the commissioners for the improvement of the navigation of Clinch river.

Ordered that said report be transmitted to the Senate.

On motion of Mr. Turner,

The House took up,

A bill, No. 158, to amend the act of 1808, chap. 1, sec. 21, prescribing the manner of processioning land.

Ordered that said bill be referred to the Committee on the Judiciary

On motion of Mr. Rodgers,

Leave was granted him to withdraw for amendment,

A bill from the Senate, No. 70, to repeal all laws allowing more than one gate to be kept on Scott's turnpike road leading through Fentress.

On motion of Mr. Books,

The House took up,

A bill from the Senate, No. 57, for the more perfect security of justice in criminal prosecutions.

Which bill was read a second time and passed.

Ordered that said bill be referred to the Committee on the Judiciary

On motion of Mr. Polk,

The House took up,

A bill, No. 163, to alter the dividing line between Cannon and DeKalb counties.

Which bill was read a second time and passed.

On motion of Mr. Milligan,

The House took up,

A bill, No. 132, to incorporate the 'Traders' and Farmers' Bank of Tennessee.

On motion of Mr. Williams,

He withdrew said bill for amendment,

A message from the Senate, by Mr. Cocke, their clerk:

Mr. SPEAKER: The Senate have taken up and passed on its third reading,

A bill from the House, No. 170, to amend an act entitled "an act to authorise the State of Georgia to extend her Western and Atlantic railroad from the Georgia line to some point on the Eastern margin of the Tennessee river," passed the 24th January, 1838, chap. 221.

Which bill is herewith transmitted.

The Senate have also taken up and passed on its third reading,

A bill from the House, No. 85, to appoint an agent to collect dama

ges on school lands, with an amendment thereto, in which amendment the concurrence of the House of Representatives is requested.

The Senate have adopted a resolution, No. 85, directory to the Comptroller of the Treasury, to issue a duplicate of Warrant to Dempsey Massingale.

Which resolution is herewith transmitted and the concurrence of the House therein requested.

Mr. Bond, from the Committee on Enrolments, reported as truly enrolled :

“ An act to amend an act entitled, ‘an act to authorise the State of Georgia to extend her Western and Atlantic rail road from the Georgia line to some point on the Eastern margin of the Tennessee river,’ ” passed the 24th January, 1838, chap. 221.

The Speaker of the House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

On motion of Mr. Cheatham,

The House took up a memorial from the Senate of the General Assembly of the State of Tennessee, to the Legislature of the State of Louisiana, requesting certain alterations or modifications of the tobacco inspecting laws of said State, with the accompanying resolution.

Which memorial and resolution was read at the clerk's table, and said resolutions are as follows :

1st. *Resolved*, That his Excellency the Governor of Tennessee, be, and he is hereby requested, to cause to be transmitted at as early a period as practicable, a copy of the foregoing memorial to the Governor of Kentucky, Ohio, Illinois, Indiana, Missouri, and Arkansas, with a request that they communicate the same to their respective Legislatures at their next ensuing sessions.

2nd. *Resolved*, That the aid and co-operation of the Legislatures of said States in producing the changes and modifications in the Louisiana tobacco inspection laws herein recommended is hereby most earnestly but respectfully solicited.

3d. *Resolved*, That a copy of the foregoing memorial be communicated by the Governor of this State to the Governor of Louisiana, accompanied by a request that he may lay the same before the next Legislature of said State, and invite its favorable action thereon.

In which memorial and resolutions the House concur.

Ordered that the clerk acquaint the Senate therewith.

Mr. Lenoir, who had withdrawn for amendment,

A bill, No. 64, to amend an act passed 28th December, 1837, chap. 13, for the benefit of widows, returned said bill with an amendment in lieu of the whole bill.

Which bill was laid on the table.

Mr. Black moved that the House take up bills on their third reading.

Which motion prevailing.

The House took up,

A bill, No. 5, to extend the provisions of the 7th section of an act passed 5th February, 1836, entitled, “an act setting forth the

property real and personal, and the privileges and occupations liable to taxation in this State.

Mr. Nave moved to strike out of the tenth and eleventh lines in the first section, the words, "hats, shoes, and sugar," and insert in lieu thereof the words, "garden seeds," in the twelfth line.

Which amendment was adopted.

Said bill as amended was then read a third time.

And the question was then taken, "shall the bill pass?"

It was determined in the affirmative.

Yeas

39

Nays

27

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bobo, Brooks, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Eubank, Garner, Houston, Huddleston, Hughes, Jourdan, Kinney, Marr, Milligan, Morris, Nave, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Boddie, Bond, Bone, Burrus, Cross of Madison, Farquharson, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Lenoir, McGinnis, Miller of Hardeman, Moores, Morrow, Moorman, Polk, Rawlings, Roach, Trice, Trimble, and Tyler.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Trott moved that all bills on the third reading be laid on the table, and that the House go into a committee of the whole House, and take up,

A bill, No. 24, to restore the rights of freemen, and for other purposes, referred to said committee.

Which motion was disagreed to by the House.

The House took up,

A bill, No. 53, for the relief of securities and stayers on judgments hereafter rendered.

Mr. Goode moved to amend said bill by inserting after the word "property," in the ninth line of the 1st section, "in his county liable to execution," and to strike out all of the first proviso to said bill, and to strike out in the eleventh line the words, "levied upon," and insert in lieu thereof the word "sell."

Which several amendments were adopted.

Mr. Farquharson moved to amend said bill as follows:

"Be it further enacted That the property of any stayer or stayers shall not be liable until all the property real and personal of the principal security or securities in said county shall be exhausted, any law releasing the security or securities to the contrary notwithstanding."

Which amendment was rejected.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?"

It was determined in the affirmative.

Yeas,

= 55

Nays,

11

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Wan, Wheeler, and **Mr. Speaker Barringer.**

Those who voted in the negative are,

Messrs. Bond, Cherry, Crouch, Eubank, Farquharson, Hughes, Lauderdale, Marr, Miller of Hardeman, Trimble, and Williams.

A message from the Senate by Mr. Cocke their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled bill from the House entitled

An act to amend an act entitled an act to authorise the State of Georgia to extend her Western and Atlantic Railroad from the Georgia line to some point on the eastern margin of the Tennessee river. passed 24th January, 1838, chapter 221.

Which bill is herewith transmitted.

Ordered that said enrolled bill be deposited by the clerk in the office of the Secretary of State.

The House took up

A bill, no. 104, for the benefit of William Laws and Benjamin P. Wheeler.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

Yeas

42

Nays

22

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Boddie, Brooks, Cheatham, Cherry, Coggin, Cross of Sullivan, Deavenport, Dearing, Eubank, Fisher, Garner, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moores, Morrow, Nave, Polk, Rawlings, Scott, Sherrill, Smart, Trimble, Trott, Turner, Tyler, Walker of Hickman, Wheeler, and **Mr. Speaker Barringer.**

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Bond, Bone, Burrus, Carson, Cleveland, Cross of Madison, Crouch, Crudup, Duggan, Goode, Hamilton, Hodsden, Kinney, Moorman, Morris, Rodgers, Trice, Wann, and Williams.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, no. 115, to incorporate the Buffalo Academy, in the county of Perry.

Said bill was then read a third time and passed and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, no. 133, to amend the act of 1835, chapter 68, section 1, defining the incompetency of Judges in certain cases.

Which bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

Yeas

58

Nays

5

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bleisoe, Boddie, Bond, Bone, Brooks, Burris, Carson, Cheatham, Cleaveland, Goggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cherry, Cross of Sullivan, Hughes, Nave, and Rodgers.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up,

A bill, No. 179, to amend the several acts incorporating the town of Memphis.

Which bill was read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Miller of Hardeman,

The House took up,

A bill from the Senate, No. 66, to incorporate the Jackson, Somerville, and Memphis turnpike company; and

A bill from the Senate, No. 79, to incorporate the "Memphis Conference Female Institute," at Jackson.

Which bills were severally read a third time and passed,

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Cheatham,

The House took up a report from the President of the Farmers' Bank of Tennessee, at Nashville, in obedience to a resolution passed by both Houses of the General Assembly, transmitted from the Senate, expressing a willingness on the part of the Bank to extend her discounts on four months business paper, being assured of the payment at maturity.

Which was read and laid on the table.

Mr. Brooks asked and obtained leave to withdraw for amendment.

A bill from the Senate, No. 63, to refund to White county the inter-

out upon the common school fund, improperly paid over, under the act of 1837-'8.

On motion of Mr. Brooks,

The House adjourned until Monday morning, 9 o'clock.

MONDAY, DECEMBER 4th, 1843.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have adopted a resolution, No. 87, directory to the Governor of Tennessee.

Which resolution is herewith transmitted, and the concurrence of the House therein requested.

The Senate have taken up and passed on its third and last reading, with an amendment thereto,

A bill from the House, No. 70, to establish a male academy in the county of Macon.

Which bill as amended, is herewith transmitted and the concurrence of the House in said amendment is requested.

Mr. Duggan presented a petition, No. 132, from sundry citizens of Sevier county, praying the establishment of an Independent Bank in East Tennessee.

Mr. Williams presented a petition, No. 133, from sundry citizens of Knox county, praying for the establishment of an Independent Bank in East Tennessee.

Which petitions were ordered to be transmitted to the Senate.

On motion of Mr. Goodall,

The Senate took up a petition, No. 105, from sundry citizens of Macon county, praying that the State refund to said county certain moneys.

Ordered that said petition be transmitted to the Senate.

Mr. Boardie, from the Committee on Finance, to which had been referred,

A bill from the Senate, No. 64, to amend the law for the collection of the State revenue, reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and recommend its passage.

Said bill was then read a second time and passed.

Ordered that said bill be referred to the select committee on the Reports of the Comptroller.

The House took up Senate's amendment to House bill, No. 85, to appoint an agent to collect damages on school lands.

Which amendment of the Senate, constitutes an additional section, being the third section of the bill

Said amendment of the Senate was thereupon read, amended, and concurred in.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to House bill, No. 70, to establish a male academy in the county of Macon.

Which amendment was concurred in.

Ordered that the clerk acquaint the Senate therewith.

The House took up resolution of the Senate, No. 36, directory to the Governor of Tennessee.

Which was read and concurred in.

Ordered that the clerk acquaint the Senate therewith.

The House took up

The petition from the Senate, of Jackson P. Bocoek, praying that the Legislature change his name, for obvious reasons.

Which petition was read and laid on the table.

Mr. Milligan submitted the following preamble and resolution, No. 131:

Whereas, The Governor in his message has shown that there is a deficit of \$88,143 in the Treasury to meet the engagements of the State ending the 30th June, 1843; and whereas, he, in his introducing this subject to the Legislature, has suggested four modes by which this annual deficit may be met, viz:

1st. By a constant diminution of the capital of the Bank.

2d. By lessening the number of Branches.

3d. By reducing the appropriations to schools and academies; and

4th. By direct taxation; and

Whereas, any and all of these modes are highly objectionable, and must, if adopted, deeply and seriously affect the interests of the great body of the people, and they ought not therefore to be resorted to until the provisions of the 20th section of the act establishing a State Bank, &c., be strictly and faithfully complied with, which provides that if at any time there shall be a deficiency in the dividends of the Bank, and the uninvested dividends that may have been declared on the stock owned by the State in the several works of Internal Improvements, that such deficit shall be supplied, the individual stockholders of the several roads in which the State has subscribed for stock in proportion to the amount for which the State has issued her bonds in each; and whereas, by the above recited section in the aforesaid act it is made the bounden duty of the Governor, in the event of such contingencies, as he in his message declares have happened, to notify the President and directors of those companies in which the State has subscribed for stock at least three months before the interest will become payable upon the State bonds of the probable amount which will be required by each company, and it is there made their bounden duty to promptly meet each call of the Governor and pay up the required instalment or forfeit their individual interest as stockholders in said roads; and

Whereas, if the Governor had faithfully complied with the plain letter of the law as laid down in the above recited act and section, and the stockholders in said works of Internal Improvements had discharged the duties which they placed themselves under to the State when they accepted the provisions of said act, the large and fearful deficit of \$88,143 that now hangs over the State and threatens disgrace and dishonor to its fair credit, would have been reduced to the small and insignificant sum of \$2,965, which could be easily provided for without

either diminishing the annual school appropriations or burdening the people with additional taxation; therefore,

Resolved, That the Governor be and he is hereby requested to communicate as soon as practicable to this House whether he has complied with the provisions of the 20th section of the act of 1838 establishing a State Bank, &c, and if not the reason why he failed or neglected to do so; also to communicate any other information which he may have in his possession touching this subject.

Which resolution was read and laid on the table.

Mr. Williams submitted the following resolution, No. 132:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing or so amending the law of escheats as to enable the owners of real estate to convey the same in fee to persons not citizens of this government, should they think proper, and that said committee report by bill or otherwise.

Which resolution was read, and the 39th rule of the House being suspended, said resolution was adopted.

The House took up,

A resolution from the Senate, No. 82:

Which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That in order to bring the present session to a speedy close and to enable the clerks to close their business with the session, a resolution shall be introduced or presented to either House from and after Monday, the 11th day of December next, except such as are introduced or presented through the regular and appropriate committees.

Mr. Crudup moved that said resolution be laid on the table.

And the question being taken on said motion, it was determined in the negative.

Yeas

37

Nays

27

The ayes and nays, No. 140, being called for by Mr. Trice, and ordered by the House.

Those who voted in the affirmative are,

Messrs Alexander, Black, Bledsoe, Boddie, Brooks, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Fairquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hedgeson, Hord, Hoddleston, Humphreys, Jordan, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Milligan, Moores, Polk, Scott, Sherrill, Smart, Trotti, Turner, and Turney.

Those who voted in the negative are,

Messrs Avery, Bobo, Bond, Burrus, Cerson, Chatham, Cleveland, Cross of Madison, Dearing, Coode, Houston, Hughes, Lenoir, Moorman, Morrow, Nave, Rawlins, Roach, Rodgers, Trice, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Baringer.

So said resolution was ordered to the table.

Mr. Boddie introduced,

A bill, 234, to extend the charter of the Red river turnpike company:

Mr. Polk introduced,

A bill, No. 225, to remove the supreme court of errors and appeals for the middle division of Tenn. to the town of Columbia, in the county of Maury.

Mr. Hodsdon introduced,

A bill, No. 226, to repeal a resolution directory to the surveyor of the Hiwassee district and to the entry taker of the Ocoee district.

Which bills were severally read a first time and passed.

Mr. Wann introduced,

A bill, No. 227, to establish a chancery court at the town of Decatur, in the county of Meigs

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up

A resolution from the Senate, No. 85, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue to Dempsey Massengill a duplicate of warrant, 3011, for 11 dollars, and dated the 13th day of July, 1841, and issued to the said Dempsey Massengill, which original warrant has been lost or mislaid.

Resolved further, That said duplicate warrant when issued shall take the place of the original warrant on the books of the Comptrollers office and be paid by the Treasurer in lieu of and on full satisfaction of said original warrant

In which resolution the House concurred.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers who had withdrawn for amendment

A bill from the Senate, no. 70 to repeal all laws allowing more than one gate to be kept on Scott's Turnpike road leading through Fentress county.

Returned said bill with amendment in lieu of the whole bill from the enacting clause.

Which amendment was read and adopted.

Said bill as amended was then read a second time and passed.

The House then took up

A resolution from the Senate; no. 84, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the decisions of the Supreme Court of the United States, inasmuch as they contain the only authoritative exposition of the Constitution and Laws of the Union, ought to be published under the authority of the National Legislature, and at the general expence; that the copy right thereof ought not to be granted to any individual; that they ought to be circulated in the same manner as the acts of Congress themselves; that it would be a wise and beneficial policy to present copies thereof, to all colleges, public libraries, and incorporated institutions of learning throughout the Union; that all the decisions of the Court from the beginning which are of public interest, ought to be edited and published

new from the materials in the clerk's office of said Court; and that the Senators and Representatives of this State in the Congress of the United States, are hereby respectfully requested to use their best exertions to procure the passage of a law to carry this important design into early execution.

In which resolution the House concurred.

Ordered that the clerk acquaint the Senate therewith.

The House took up

The petition, no. 87, of sundry citizens of Cocke county, in relation to the establishment of an Independent Bank in East Tennessee.

On motion of Mr. Williams,

Said petition was referred to the Committee on Internal Improvements.

On motion of Mr. Walker of Hickman,

Ordered that Mr. Eubank have leave of absence from attendance on this House until Wednesday next.

On motion of Mr. Crudup, the House took up

A bill from the Senate, no. 13, to authorise the county courts of Henderson and Perry counties, to make such disposition of the Internal Improvement fund, belonging to said counties as to them shall seem proper.

Which bill was read a second time and passed,

And Mr. Crudup asked and obtained leave to withdraw said bill for amendment.

On motion of Mr. Walker of Hickman, the House took up

A bill, no. 83, to prescribe the mode of taking depositions in certain cases.

Which bill was read a second time and passed.

On motion of Mr. Rodgers, the House took up bills on their second reading.

The House took up the following bills:

A bill, no. 94, to amend an act entitled an act to refund to John Hazel and Thomas McCallie the consideration money paid by them in making entry no. 521, in the Ocoee District, passed Feb. 5th, 1842, chapter 125.

A bill, no. 98, to enable the citizens Morgan county to erect a jail in said county, and

A bill, no. 102, to authorise Samuel M. Atkinson, of Davidson county to open a Turnpike road.

Which bills were severally read a second time and passed.

The House took up

A bill, no. 100, to amend the charter of the Bank of Tennessee.

Mr. Moores moved to fill the blank in the proviso of said bill so far as relates to the maximum amount of a discounted bill to fifteen hundred dollars.

Mr. Trott moved to fill the blank with two thousand five hundred dollars.

Which latter amendment was adopted.

Mr. Williams moved to fill the blank as the maximum amount of a note to be discounted with one thousand dollars.

Which motion was rejected.

Mr. Farquharson moved to fill said blank with five hundred dollars.

Which motion prevailing, said blank was filled with five hundred dollars.

Mr. Farquharson then moved that the proviso in said bill be stricken out.

Which motion was agreed to by the House.

Said bill was then read a second time as amended.

And the question being taken, "shall the bill pass?"

It was determined in the affirmative.

Yeas

47

Nays

15

The yeas and nays, No. 148, being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bobo, Brooks, Carson, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Duggan, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdon, Kerney, Lauderdale, McGinnis, Marr, Milligan, Moores, Morris, Morrow, Nave, Polk, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Wanz, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Bond, Bone, Cheatham, Cross of Madison, Crudup, Hcdsden, Lenoir, Miller of Hardeman, Moorman, Rawlings, Trimble, Tyler, Walker of Hickman, and Wheeler.

So said bill passed on its second reading.

Mr. Rodgers asked and obtained leave to withdraw for amendment the following bills:

A bill, No. 81, to change the method of renewing notes in the Bank of Tennessee and Branches, and

A bill, No. 96, defining the method of obtaining judgments on notes due the Bank of Tennessee and Branches.

The House took up,

A bill, No. 95, to designate the sittings of the circuit courts in the 4th circuit.

On motion of Mr. Rodgers,

Ordered that said bill be laid on the table.

The House took up,

A bill, No. 97, fixing the number of sessions of the county courts of this State and where held.

Which bill was read a second time and passed.

The House took up,

A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton.

Mr. Morrow offered an amendment in lieu of the whole bill from the enacting clause.

Which amendment was read and adopted

Said bill was then read as amended a second time and passed.

On motion of Mr. Lauderdale,

Ordered that said bill be referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Cooke, their clerk :

MR. SPEAKER: The Senate have taken up and passed without amendment on their third reading, the following bills from the House:

A bill, No. 67, to incorporate the inhabitants of the town of Smithville, in the county of DeKalb, and

A bill, No. 101, to incorporate the town of Lafayette, in the county of Macon.

Which bills are herewith transmitted.

The Senate have taken up and considered.

A bill from the House, No. 123, to incorporate the Young Men's Literary Society of Knoxville.

Which bill they have read a third time and passed with an amendment thereto, herewith transmitted, and the concurrence of the House of Representatives therein requested.

The Senate have taken up and considered the amendment of the House to the Senate's bill, no. —, to incorporate the Jackson, Sommersville and Memphis Turnpike company and have concurred therein.

The Speaker of the Senate has signed an enrolled resolution of the Senate entitled

A Resolution directory to His Excellency the Governor of the State of Tennessee, and relating to the Western and Atlantic Road. Which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the House thereupon signed said enrolled resolution.

Ordered that the clerk acquaint the Senate therewith.

The House took up

A bill, No. 103, to give justices of the peace jurisdiction of the trial of misdemeanors.

Mr. Boddie in the chair; .

Mr. Speaker Barringer moved to amend the bill by adding the following additional proviso, to the 2d section of said bill, to wit:

"And provided further, that it shall be the duty of the constable or other officers, serving such warrants, to return the same before such justice of his district or any adjoining district as shall be designated by the defendant in said warrant; and provided also that the justice of the peace before whom the trial is had, shall not be convicted either by affidavit or confession of guilt to either of the parties, the complainant or defendant."

Said bill, amended, was then read a second time and passed.

The Clerk took up bills of the following titles:

A sum of \$100.00 of the name of Andrew Love to that of Andrew Love.

to the Commission of the Territory of this

[illegible]

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78, entitled "an act to provide for viewing and laying off an alteration of the road leading from Newport, in Cocke county, to Sevierville, in Sevier county.

A bill, No. 113, for the benefit of the Memphis Hospital.

A bill, No. 115, to relieve the people of this State.

A bill, No. 117, to authorise A. K. Parker, John Gillentine, and N. M. Gillentine to open a turnpike road.

A bill, No. 118, prescribing the method of publishing orders of court.

A bill, No. 121, to restore Sherrod Brake, of Bledsoe county, to the privilege of citizenship.

A bill, No. 127, to define the Eastern boundary line of Putnam county.

A bill, No. 129, to provide for the payment for record books and stationery for the Supreme courts,

A bill, No. 30, to amend the act of 1787, chap. 19; and

A bill, No. 135, to incorporate the Wnt college, in the county of Sumner.

Which bills were severally read a second time and passed.

Mr. Bond, from the Committee on Enrolments, reported as correctly engrossed, bills of the following titles, viz:

A bill, No. 5, to extend the provisions of the seventh section of an act passed the fifth day of Feb., 1836, entitled "an act setting forth the property real and personal, and the privileges and occupations liable to taxation in this State."

A bill, No. 53, for the relief of securities and endorsers and stayors on judgments hereafter rendered.

A bill, No. 154, for the benefit of William Laws and Benjamin P. Wheeler.

A bill, No. 116, to incorporate Buffalow academy, in the county of Perry.

A bill, No. 133, to amend the act of 1825, chap. 63, section 1, defining the incompetency of Judges in certain cases; and

A bill, No. 179, to amend the several acts incorporating the town of Memphis.

Ordered that the Clerk transmit the same to the Senate.

On motion of Mr. Farquharson,

The House took up

A bill, No. 21, to repeal a part of the 12th section of the act of 1779, chap. 10, establishing ordinaries and tippling houses.

Ordered that said bill be placed on the calender amongst the bills on their third reading.

On motion of Mr. Williams,

The House took up the motion of Mr. Moores, made on the 28th ult. to reconsider the vote of the House rejecting on the 27th November,

A bill, No. 15, to establish two terms of the circuit courts annually, to diminish expenditures in the administration of justice, and for other purposes.

And the question being taken on agreeing to said motion it was determined in the affirmative.

Yeas,

40

Nays,

28

The ayes and noes No. 149, being called for by Mr. Walker of Williamson and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bobo, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Garner, Goodall, Goode, Hodsdon, Hord, Houston, Huddleston, Jourdan, Kinney, Lenoir, Milligan, Moores, Morrow, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trott, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Black, Bledsoe, Boddie, Bond, Cheatham, Cherry, Deavenport, Farquharson, Fisher, Gordon, Hughes, Humphreys, Lauderdale, McGinnis, Marr, Miller of Hardeman, Moorman, Polk, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, and Wann,

So said vote to reconsider was agreed to by the House.

Said bill was again put on its second reading.

And the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas

37

Nays

31

The ayes and noes No. 150, being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Garner, Goodall, Goode, Hodsdon, Hord, Huddleston, Jourdan, Kinney, Lenoir, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trott, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Cheatham, Cherry, Deavenport, Farquharson, Fisher, Gordon, Houston, Hughes, Humphreys, Lauderdale, McGinnis, Marr, Miller of Hardeman, Moorman, Polk, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson and Wann.

So said bill passed on its second reading in this House.

The House took up

A bill No. 124, to establish West Tennessee College, at Jackson.

Mr. Miller of Hardeman, moved to amend said bill by striking out the words "that the existing trustees of the Jackson Male Academy, in the county of Madison, in said State, ten in number, to wit: and further to amend the bill by adding an additional section constituting the 9th section to the bill, which is as follows:

Sec. 9. *Be it enacted*, That the Jackson academy shall continue the

preparatory department of the West Tennessee college, under such regulations as the trustees of the academy may deem it advisable to make.

Which amendments were adopted.

Said bill as amended was then read a second time and passed.

The House took up

A bill, No. 131, for the relief of stayors on executions.

On motion of Mr. Goodall,

Said bill was laid on the table.

The House took up

A bill, No. 132, for the benefit of garnishees in certain cases.

Which bill was read a second time and passed.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, DECEMBER 5th, 1843.

The House met pursuant to adjournment.

Mr. Crouch presented the petition of sundry citizens of Jonesborough, in Washington county, praying that Levi Hosea be restored to the rights of citizenship.

Which was read and referred to the Committee on the Judiciary.

Mr. Williams presented two petitions from sundry citizens of Knox county praying the establishment of an Independent Bank in East Tennessee.

Which were ordered to be transmitted to the Senate.

Mr. Hughes presented the petition of sundry citizens of Polk county, praying an act of incorporation for a turnpike road.

Which was read and referred to the Committee on Internal Improvements.

Mr. Maury, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles, to wit:

An act to incorporate the inhabitants of the town of Smithville.

An act to establish a male academy in the county of Macon; and

An act to incorporate the town of Lafayette, in the county of Macon.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

Mr. Polk, from the Committee on the Penitentiary, to which had been referred,

A bill, No. 76, for the relief the convicts in the Penitentiary, reported that the committee had had the same under consideration, and recommend the passage of said bill, with the following amendments:

1st. Strike out the words "each and every convict," in the 6th line of the first section, and to insert in lieu thereof the words "each department."

2nd. Strike out the second section.

Said first amendment was thereupon concurred in.

Mr. Polk moved to amend the second section, the latter clause o

said section, being the following words, "and in case they have no families to be retained by the Comptroller, and delivered to such convicts at the expiration of their term of imprisonment."

Which amendment was disagreed to by the House.

Mr. Nave moved a reconsideration of the vote of the House, refusing to strike out the latter clause of the second section of the bill.

And the question being taken on agreeing to said motion to reconsider, it was determined in the negative.

Yeas

27

Nays

43

The yeas and nays, No. 151, being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Black, Debo, Cherry, Crouch, Deavenport, Pannin, Edwards, Fisher, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, Nave, Miligan, Morris, Polk, Rodgers, Scott, Sherrill, Smart, Trot, Turner, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Avery, Bledsee, Reddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Sullivan, Cross of Jackson, Dugan, Fagyhansen, Garner, Gordall, Goode, Hamilton, Jordan, Huddleston, Humphreys, Lenoir, McGinnis, Marr, Miller of Marshall, Miller of Marshall, Moore, McCorman, Morrow, Nave, Harrison, Robinson, Roach, Tice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, and Wilcox.

So the House refused to reconsider the vote of the House as moved by Mr. Nave.

Mr. Cheatham moved that said bill be indefinitely postponed.

And the question being taken on said motion, it was determined in the negative.

Yeas

20

Nays

40

The yeas and nays, No. 152, being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Black, Bond, Bone, Brooks, Burrus, Cheatham, Cross of Sullivan, Cross of Marshall, Cherry, Dugan, Fagyhansen, Garner, Gordon, Hamilton, Huddleston, Humphreys, Jordan, Marr, Miller of Marshall, Nave, Robinson, Tice, Trimble, Walker of Hickman, Walker of Williamson, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Carson, Avery, Bledsee, Reddie, Bond, Coggin, Cheatham, Cleveland, Dugan, Crouch, Deavenport, Fearing, Edwards, Fisher, Goode, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Miligan, Moore, Morrow, Polk, Robinson, Roach, Rodgers, Sherrill, Smart, Trot, Turney, Turner, Tyler, and Wann.

So the House refused to indefinitely postpone said bill.

And the question was then taken on striking out the second section

as recommended by the committee, and was determined in the affirmative.

Yeas

60

Nays

10

The yeas and nays, No. 153, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Books, Burris, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Huddleston, Humphreys, Jourdan, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Trot, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Crouch, Deavenport, Dearing, Ford, Hughes, Kinney, Lauderdale, Polk, and Turner.

So said motion to strike out prevailed,

Mr. Boddie moved to amend the first amendment of the committee, by adding after the words "each department," the following words, "and number employed,"

Which amendment as amended was adopted.

So said bill was read a second time, as amended, and passed.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred:

A bill, No. 178, to establish the county of Occola, reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and to recommend its passage.

Said bill was then read a second time and passed.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred the following petitions, to wit:

The petition, No. 91, of William Thompson, a citizen of Sevier county, praying the Legislature to pass a law attaching his farm to the county of Jefferson; and

A petition, No. 114, of sundry citizens of Overton county, praying the line between Overton and Putnam counties be so changed as to include petitioners in the county of Putnam, reported that the committee had had the same under consideration, and had instructed him to report that the prayers of the petitioners are unreasonable and ought not to be granted; and further report that the committee ask to be discharged from the further consideration of said petitions.

In which report the House concur.

Mr. Gordon, from the Committee on New Counties and County Lines, to which was referred a petition, No. 94, from sundry citizens of Jefferson county, praying to be attached to the county of Hawkins, reported that the committee had had the same under consideration, and

had instructed him to report unfavorable to the prayer of the petitioners, and to ask to be discharged from the further consideration thereof.

On motion of Mr. Carson,

Ordered that said report and petition be laid on the table.

Mr. Cheatham, from the Committee on Banks, to which had been referred:

A bill, No. 221, to authorize the President and directors of the Planters' Bank of Tennessee, to declare certain dividends, reported said bill without amendment, and recommend its passage.

Mr. Trimble offered the following amendment, constituting the 2nd section to said bill:

Sec. 2nd. *Be it enacted*, That the provisions of the first section of this act be extended to embrace the President, directors, and Company of the Union Bank of the State of Tennessee, and said corporation be entitled to all the rights, privileges, and immunities by this act conferred.

Which amendment was adopted.

Said bill as amended, was then read a second time and passed.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read the report of the cashier of the Farmers' and Merchants' Bank at Memphis.

Which report is herewith transmitted.

The Senate have taken up and passed on their third and last reading, bills of the following titles:

A bill, No. 81, to reduce the costs chargeable to the State in criminal prosecutions.

A bill, No. 110, to establish the county of Jones, in honor of his Excellency James C. Jones, the present Governor of the State of Tennessee; and

A bill, No. 131, to amend the act incorporating the town of Centreville.

Which bills are herewith transmitted, and the concurrence of the House of Representatives in the passage thereof is requested.

The Speaker of the Senate has signed said enrolled bills and resolutions.

An act to incorporate the Jackson, Sommerville, and Memphis turnpike company.

An act to incorporate the Memphis Conference Female Institute at Jackson.

A resolution to procure the publication and circulation of the decisions of the supreme court of the United States, in a cheap, authentic style.

A resolution, directory to the Comptroller of the Treasury, relating to the issuance of a duplicate of Warrant No. 3041, to Dempsey Massengill; and

A memorial of the General Assembly of the State of Tennessee, to the Legislature of the State of Louisiana, relating to the Tobacco Inspection laws of said State, with an accompanying resolution of re-

quest, directory to his Excellency the Governor of the State of Tennessee.

Which enrolled bills, resolutions, and a memorial, a herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the House thereupon signed said enrolled bills, resolutions, and memorial.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred:

A bill from the Senate, No. 57, for the more perfect security of justice in criminal prosecutions, reported said bill without amendment, and recommended its rejection.

Mr. Farquharson moved to amend said bill by adding at the end of the 1st section, the following words: "unless otherwise permitted by the court."

Which amendment was rejected.

Said bill was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the negative,

Yeas

11

Nays

55

Those who voted in the affirmative are,

Messrs Bobo, Brooks, Coggin, Crudup, Dearing, Farquharson, Garner, Goodall, Marr, Polk, and Turney.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bone, Burrus, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Goode, Gordon, Hamilton, Hodsden, Hord, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Shefrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 216, prohibiting the appointment of executors and administrators guardians in certain cases, reported that the committee had had the same under consideration and had instructed him to report an amendment in lieu of the whole bill from the enacting clause, and with said amendment to recommend its passage.

Said amendment was adopted.

Said bill as amended was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 217, to repeal the second and third sections of the act

passed January 22d, 1838, reported said bill without an amendment and recommend its rejection.

Said bill was then read a second time and rejected.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 221, to secure bonafide purchasers in their possessions and titles, reported that the committee had had the same under consideration and had instructed him to report said bill without an amendment and recommend its rejection.

On motion of Mr. Hodsdon,

Ordered that said report and bills be laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A resolution, No. 81, directory to the Judiciary Committee, in relation to mortgages, deeds of trust, and other instruments recorded in the Register's office, in Perry county, destroyed by fire, reported that the committee had had the same under consideration and had instructed him to report favorably as to the objects of the resolution and had instructed him to report a bill, No. 228, to remedy the evils occasioned by the destruction of the register's book in Perry county, and to recommend the passage of said bill.

Said bill was then read a first time and passed.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred,

A resolution, No. 82, in relation to the expediency of granting legislative aid for the education of the blind; also,

A resolution, No. 51, directory to the Committee on Education and Common Schools, in relation to the sales of certain real estate in the town of Williamsport, reported that the committee had had the same resolution under consideration and had instructed him to report favorable to the objects of the resolution and recommend the passage of said bills to carry out the objects of said resolution.

Which report and resolutions were laid on the table.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred,

A bill, No. 184, to authorize Julian T. Scott to open and keep up a turnpike road; and

A petition, No. 103, accompanying said bill, reported said bill without amendment and recommended its passage.

Said bill was then read a second time and passed.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred,

A bill, No. 222, to appoint John Kelly of Marion county, proprietor of a Turnpike road commencing at the eastern terminus of the Jasper and Pelham Turnpike, and terminating on the eastern side of the Lookout Mountain, in Hamilton County, accompanied with a petition No. 39, on that subject,

Reported that the committee had had said bill under consideration, and had instructed him to report said bill without amendment and recommend its passage.

Said bill was then read a second time and passed.

Mr. Brooks introduced,

A bill, No. 229, to give Putnam county the State tax for 1844, and 1845.

Mr. Smart introduced,

A bill, No. 231, to authorize the circuit Judges to hear and determine equity causes in certain cases.

Mr. Housden introduced,

A bill, No. 233, to incorporate Citico Turnpike Company.

Mr. Duggan introduced,

A bill, No. 234, to amend the revenue laws of this State, and for other purposes.

Mr. Cheatham introduced,

A bill, No. 235, to appoint commissioners to superintend the construction of the State House, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the State from taxation.

Which bills were severally read a first time and passed.

Mr. Carson introduced,

A bill, No. 230, to amend the pauper law.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. McGinnis introduced,

A bill, No. 232 prescribing the mode of choosing electors to vote for President and Vice President of the United States.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Elections.

Mr. Hughes introduced,

A bill, No. 236, to authorize John F. Hannah and company to open a turnpike road.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

Mr. Housden, from the Committee on Education and Common Schools, to which was referred,

A bill, No. 189, to incorporate the Philomathesian Society of Memphis,

Reported that the committee had had said bill under consideration and had instructed him to report the same without amendment, and recommend the passage of the bill.

Said bill was then read a second time and passed.

On motion of Mr. Duggan,

Ordered that the petition of Doctor Ruel Birdwell; heretofore presented to the House and referred to the Committee on Claims, and reported on unfavorably by the committee, be recommitted to said committee for further consideration.

Mr. Coggin submitted the following resolution, No. 133;

Resolved, That the Committee on Internal Improvements be instructed to inquire into the expediency of a law defining the compe-

sation of the directors of the different Turnpike road companies in this State, and that they report by bill or otherwise.

Which resolution was read, and the 59th rule being suspended, said resolution was adopted.

Mr. Morrow submitted the following preamble and resolution, No. 134:

Whereas, The construction of several railroad communications of considerable extent, was commenced in the United States in a season of unusual prosperity which have not been finished, and whereas the State of Georgia undertook the construction of an extensive and costly system of improvement in which the State of Tennessee is largely interested, and whereas, at the time they were commenced the importation of railroad iron was by law expressly exempt from the payment of any duty, and the State of Georgia and all others engaged in a like undertaking had just reasons to suppose that no additional charge would accrue by the interposition of government in relation to works of such interest and advantage to the whole country; and whereas, the duty laid by a late act of Congress upon the importation of railroad iron increases for the present, and must for some time to come add to the impediments arising from other causes to the speedy completion of such works; therefore

Resolved by the General Assembly of the State of Tennessee, That the Senators and Representatives in Congress from this State be requested to use their exertions to procure the passage of a law authorising the importation of all Railroad iron which may be necessary to the completion of any Railroad actually begun and in a course of construction prior to the late act of Congress imposing a duty upon the same.

Which was read and laid on the table.

On motion of Mr. Trott,

Ordered that the committee of the whole House be discharged from the further consideration of

A bill, no. 24, to restore the rights of freemen and for other purposes,

And that said bill take its place on the calender of bills on their second reading.

On motion of Mr. Caggin, the House took up

A bill from the Senate, no. 15, to establish two terms of the circuit court annually, to diminish expenditures in the administration of justice, and for other purposes.

Mr. Cross of Madison moved to amend the bill by striking out the second section which provides for reducing the annual salary of circuit court Judges to thirteen hundred dollars each.

And pending the discussion thereon,

The House adjourned.

WEDNESDAY, DECEMBER 6th, 1843.

The House met pursuant to adjournment.

Mr. Hord presented a petition, no. 137, from sundry citizens of Hawkins county, praying the Legislature to restore William Monness to the rights of citizenship.

Which petition was read and laid on the table.

Mr. Williams presented the petition, no. 138, of sundry citizens of Knox county, praying the establishment of an Independent Bank in East Tennessee.

Which petition was read and ordered to be transmitted to the Senate.

Mr. Goode presented petition, no. 139, from sundry citizens of Giles county protesting against being attached to the county of Marshall.

Which was read and laid on the table.

Mr. Edwards presented a petition, no. 140, from Jincy C. Guin and sundry citizens of Henry county praying the passage of a law creating the said Jincy C. Guin a feme sole to enable her to hold property in her own right.

Which was read and referred to the Committee on the Judiciary.

Mr. Brooks presented a petition, no. 141, from sundry citizens of Smith county, praying to be attached to the county of Putnam.

Which was read and referred to the Committee on New Counties and County lines.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third and last reading, bills of the following titles, to-wit:

A bill, no. 93, to amend the practice in courts of law and equity and for other purposes.

A bill, no. 117, to establish the county of Hancock, in honor of John Hancock, one of the patriots of the Revolution.

A bill, no. 119, to prescribe the mode of registering wills for land, executed out of the limits of the State of Tennessee.

A bill, no. 124, to complete the boundary line separating the counties of Dickson and Montgomery.

A bill, no. 126, for the regulation of costs in certain cases.

A bill, no. 128, to give securities and creditors the right to recover usurious money paid by the principal or debtor in satisfaction of his debt or liability.

A bill, no. 132, more effectually to enable the creditors of deceased persons to collect their debts out of the real estate of such deceased persons.

A bill, no. 133, to change the name of Jackson Perry Boone.

A bill, no. 134, to amend the charter of the Holston College; and

A bill, no. 137, to regulate the manner of reporting the decisions of the Supreme Court of this State.

Which bills are herewith transmitted and the concurrence of the House of Representatives in the passage thereof is requested.

Mr. Edwards submitted the following resolution, no. 131:

Resolved, That the petition of sundry citizens of Henry county, pray-

ing that Jincy C. Guinn be allowed to act as feme sale and to secure her property against liability of her husband's debts, be referred to the Judiciary Committee with instructions to examine and report upon the reasonableness of said prayer and the constitutional power of this General Assembly to grant the same, with directions to report by bill or otherwise.

Which resolution was read and adopted.

Mr. Milligan submitted a resolution, no. 125:

Resolved, That so much of the Governor's Message as relates to the State stock invested in the Union Bank of Tennessee, be referred to the Committee on Banks, and that they be required to examine whether the Bank is bound by its charter to pay the interest on the State subscription out of the State stock, and that they report to this House as soon as practicable.

Which was read and laid on the table.

Mr. Goode introduced

A bill, no. 227, to authorize the sale of certain real estate in the town of Williamsport.

Mr. Lauderdale introduced

A bill, no. 228, for the relief of the commissioners of the town of Cleveland, in the county of Bradley.

Mr. Crutcher introduced

A bill, no. 210, to prevent the county court of Perry county from laying a general tax for the purpose of building a court house and jail in said county.

Mr. Jourdan introduced

A bill, no. 211, to raise the rate of interest in certain cases and to regulate the practice of shaving.

Which bills were severally read a first time and passed.

Mr. Crouch introduced

A bill, no. 239 to restore Live Hezra to citizenship.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Fisher introduced

A bill, no. 242, to equalise more effectually to each county and district the School funds of this State.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Hamilton introduced

A bill, no. 243, to authorize the different religious denominations in this State to hold land not exceeding five acres in quantity.

Which bill was read a first time and passed.

On motion of Mr. Brooks, the House took up

A bill, no. 127, to define the eastern boundary line of Putnam county.

Ordered that said bill be referred to the Committee on New Counties and County lines.

The House took up the unfinished business of yesterday, being

A bill from the Senate, no. 15, to establish two terms of the Circuit

Courts annually, to diminish expenditures in the administration of justice and for other purposes.

Mr. Kinney moved to amend the bill so that the circuit courts in the 1st judicial circuit shall be held as follows, to wit:

For the county of Johnson, on the 2d Monday in March and September.

For the county of Carter, on the 3d Monday in March and September.

For the county of Sullivan, on the 4th Monday in March and September.

For the county of Washington, on the 1st and 2d Mondays in April and October.

For the county of Hawkins, on the 3d and 4th Mondays in April and October.

And for the county of Greene, on the 1st and 2d Mondays in May and October.

Mr. Lenoir moved to amend the bill so that the circuit court in the 2d judicial circuit shall be held as follows, to wit:

For the county of Anderson, on the 3d Mondays in April and October.

For the county of Morgan, on the 1st Mondays in May and November.

For the county of Monroe, on the 2d Mondays in June and December.

For the county of Blount, on the 3d Mondays in June and December.

For the county of Knox, on the 1st Mondays in July and January.

Mr. Morrow moved to amend the bill so that the circuit courts in the 3d judicial circuit shall be held as follows, to wit:

For the county of McMinn, on the 1st Mondays in February and August.

For the county of Polk, on the 3d Mondays of February and August.

For the county of Bradley, on the 4th Mondays in February and August.

For the county of Meigs, on the 2d Mondays of March and September.

For the county of Rhea, on the 3d Mondays in March and September.

For the county of Bladsee, on the 4th Mondays in March and September.

For the county of Marion, on the 1st Monday after the 4th Monday in March and September.

For the county of Hamilton, on the 2d Mondays in April and October.

Mr. Black moved to amend the bill so that the circuits for the county of Bedford in the 5th judicial circuit shall be held on the 2d Mondays in February and August.

Mr. Miller of Marshall moved to amend the bill so that the circuit

court for the county of Marshall in the 8th judicial circuit shall be held on the 1st Monday in March and September.

Mr. Avery moved to amend the bill so that the circuit courts for the county of Shelby shall be held on the 2d Mondays in May and November.

Mr. Carson moved to amend the bill so that the circuit courts for the 12th judicial circuit shall be as follows:

For the county of Cocke, on the 4th Mondays in January and July.

For the county of Sevier, on the 1st Mondays in February and August.

For the county of Jefferson, on the 3d Mondays of February and August.

For the county of Grainger, on the 1st Mondays in March and September.

For the county of Claiborne, on the 3d Mondays in March and September.

And for the county of Campbell, on the 1st Mondays in April and October.

Which amendments were severally adopted.

Mr. Boddie in the chair;

Mr. Speaker Barringer moved that so much of the bill as relates to the time of holding the circuit courts in the eighth Judicial circuit be referred to the members of this House, representing the counties composing said judicial circuit, and that the balance of said bill be laid on the table.

Which motion was agreed to by the House.

The House took up

A bill, No. 24, to restore the rights of freemen, and for other purposes.

Mr. Carson moved to strike out the caption of the bill, and in lieu thereof to insert the following caption, to wit:

A bill, No. 24, to establish tippling Houses by the authority of law.

Which amendment to the caption of the bill, the Speaker of the House declared out of order, inasmuch as an amendment to the caption of a bill, was inadmissible until after the passage of the bill on its 3rd reading; from which decision of the chair Mr. Lenoir appealed.

The question being taken "shall the decision of the House stand as the judgment of the House?"

It was determined in the affirmative.

So the decision of the chair was sustained by the House.

Mr. Morrow moved that said bill be indefinitely postponed.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas

32

Nays

36

The ayes and nays, No. 155, being called for by Mr. Bledsoe, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Carson, Cheatham, Cherry, Cross of Madison, Crouch, Duggan, Edwards, Fisher, Goode, Gordon, Hamilton, Huddleston, Maury, Miller of Marshall, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Scott, Trimble, Turney, Tyler, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Brooks, Burrus, Cleaveland, Coggin, Cross of Sullivan, Crudup, Deavenport, Dearing, Farquharson, Garner, Goodall, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Milligan, Nave, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Walker of Hickman, Wheeler, Williams, Wann, and Mr. Speaker Barringer.

So the House refused to indefinitely postpone said bill.

Mr. Morris moved to strike out the caption of the bill.

Which motion was disagreed to by the House.

Mr. Boddie moved to amend said bill by adding thereto an amendment constituting the 4th and 5th section to the bill—which amendment is as follows:

Sec. 4. Be it enacted, That habitual drunkards who shall be impairing their health or wasting their property, shall be considered as idiots or lunatics, and may be dealt with accordingly.

Sec. 5. Be it further enacted. That whenever a jury of inquisition shall find that any person informed against is an habitual drunkard, and is either squandering his property or impairing his health, it shall and may be lawful for the county court to grant to the friends of such unfortunate person, power and authority to place him under restraint until he shall come sober and in the judgment of said restraining friend may safely be permitted to go at large.

And the question was then taken on agreeing to said amendment, it was determined in the negative.

Yeas,

11

Nays,

58

The ayes and nays, No. 156, being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Bobo, Boddie, Bond, Cheatham, Edwards, Hedsden, Maury, Moorman, Trimble, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsoe, Brooks, Burrus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

And the question being taken "shall the bill pass?" it was determined in the negative.

Yeas
Nays

34
35

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bobo, Brooks, Cleaveland, Coggin, Crudup, Deavenport, Dearing, Duggan, Farquharson, Garner, Goodall, Hodsden, Hord, Houston, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Marr, Milligan, Nave, Rodgers, Sherrill, Smart, Trice, Trott, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Burrus, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Fisher, Gonde, Gordon, Hamilton, Huddleston, Kinney, Maury, Miller of Marshall, Moores, Moorman, Morris, Morrow, Poik, Rawhags, Richardson, Roach, Scott, Trimble, Turner, Turvey, Tyler, and Walker of Williamson.

So said bill was rejected.

Mr. Scott moved a reconsideration of the vote of the House just taken rejecting said bill.

On motion of Mr. Maury,

The House took up,

A bill from the Senate, No. 51, to prescribe the mode of electing electors to vote for President and Vice President of the United States.

Ordered that said bill be referred to the Committee on Elections.

The House took up

A bill, No. 130, to extend the jurisdiction of the county courts.

Mr. Farquharson moved to amend the bill by adding thereto two additional sections, 24 and 25, to wit:

Sec. 24. *Be it enacted*, When any person shall hereafter die insolvent, or may have died insolvent, two years before the passage of this act, and such person at the time of his or her decease was the owner of any real or personal property, and letters of administration shall not be taken out within eighteen months after the decease of such person the county court shall have power and it shall be their duty at any quarterly term upon application made to appoint some suitable person to act as administrator of such estate who shall enter into bond and give security, and be governed in every respect by the laws now in force for the government of administrators of insolvent estates.

Sec. 25. *Be it enacted*, That the county court shall have power to make additional compensation to such administrators as to them shall seem reasonable to be paid out of such estate.

On motion of Mr. Maury,

Ordered that said bill and amendment be laid on the table.

The House took up,

A bill, No. 137, for the benefit of guardians and wards.

When bill was read a second time and rejected.

The House took up,

A bill, No 137, granting a longer time of four years to the La Grange and Memphis railroad company to complete their road.

Which bill was read a second time and passed.

The House took up

A bill, No. 140, to prohibit county courts from making allowances for officers, services.

Mr. Brooks moved to strike out the word "sheriff" in the 5th line of the first section of the bill.

Mr. Trice moved the indefinite postponement of the bill.

And the question being taken on agreeing to said motion it was determined in the affirmative.

Yeas,

51

Nays,

18

The ayes and noes No. 158, being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Carson, Cheatham, Cherry, Cross of Madison, Crudup, Deavenport, Duggan, Edwards, Farquharson, Fisher, Goode, Gordon, Hamilton, Hodden, Hord, Houston, Hughes, Humphreys, Lauderdale, Leach, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Marrow, Rawlings, Richardson, Roach, Rodgers, Scott, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cleveland, Coggin, Cross of Sullivan, Crouch, Dearing, Garner, Goodall, Huddleston, Kinney, Miller of Marshall, Nave, Polk, Sherrill, Smart, Trott, Turner, Turney, and Wam.

So said bill was rejected.

The House took up

A bill, No. 142, to amend an act entitled:

An act to prevent indictments and presentments in certain cases.

Pending the discussion on said bill,

The House adjourned.

THURSDAY, DECEMBER 7th, 1843.

The House met pursuant to adjournment.

Mr. Rodgers presented a petition, No. 142, from sundry citizens of Putnam county, praying the establishment of the eastern boundary line of Putnam county.

Which was read and referred to the Committee on New Counties and County Lines.

Mr. Trott presented a petition, No. 143, from sundry citizens of Cannon county, praying an amendment to the Constitution of Tennessee so as to provide that the Legislature shall hold its regular sessions but once in six years, limiting the length of the sessions to sixty days, and reducing the per diem compensation of members, clerks, and door-keepers to two dollars and fifty cents.

Mr. Bobo presented a petition No. 144, from sundry citizens of Coffee county, praying the same as in petition No. 143.

Which petitions were read and ordered to be transmitted to the Senate.

Mr. Garner presented a petition, No. 145, from sundry citizens of Franklin county, praying the passage of a law authorising the sale of school lands.

Which petition was read and referred to the Committee on Education and Common Schools.

Mr. Miller of Marshall presented a petition, No. 146, of sundry citizens of Giles county, praying to be attached to the county of Marshall.

Which petition was read and laid on the table.

Mr. Walker of Williamson presented a petition, No. 147, from sundry citizens of Williamson county, praying that Maj. James Brown may be permitted to retail groceries, &c., without paying any tax thereon.

Which was read and referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read a petition, No. 92, of Thomas Ross, and others, of Marshall county.

The Senate have also received and read the following petitions:

A petition, No. 93, praying the grant of a charter for a turnpike road from Carthage to Gallatin, on the McAdamsed plan, to consist of private stockholders; and

A petition, No. 94, from sundry citizens of Shelby county, praying that the county courts have power to cause to be widened, roads of the first class in the Western District.

Which petitions, in obedience to an order of the Senate, are herewith transmitted.

Mr. Hodsden, from the Committee on Education and Common Schools, to which was referred:

A bill, No. 34, to divide civil districts into school districts,

Reported that said committee had had the same under consideration and had instructed him to report the bill without amendment and to recommend the rejection of the bill.

On motion of Mr. Smart,

Ordered that said bill and the report of the committee, be laid on the table.

Mr. Hodsden, from said committee, to which was referred:

A bill, No. 35, to explain the duties of common school commissioners, in certain cases;

Reported that said committee had had the same under consideration, and had instructed him to report said bill without amendment, and to recommend the rejection of the bill.

On motion of Mr. Wann,

Ordered that said bill and report of the committee be laid on the table.

Mr. Hodsden, from said committee, to which was referred resolution No. 118, directory to the Comptroller of the Treasury, reported that the committee had had under consideration, and had instructed him to

report unfavorable to the objects of the resolution, and recommend the rejection of the resolution.

Mr. Deavenport moved a nonconcurrency in the report of the committee.

Which motion was agreed to, and said resolution was adopted.

On motion of Mr. Rodgers,

Ordered that said resolution be referred to the Committee on Claims, with instructions to report a bill in accordance with the resolution.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred:

A bill, No. 220, to incorporate the Memphis Lyceum;

Reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment thereto, and with said amendment to recommend the passage thereof.

Which amendment is as follows:

Sec. 3. *Be it enacted*, That the individual property, real and personal of the stockholders or members, shall be liable for any debt contracted by the Memphis Lyceum; provided that such liability shall not be enforced, until all the property, real and personal, of the corporation shall be exhausted.

Mr. Avery moved the nonconcurrency in the amendment reported by the committee.

And the question was then taken on concurring with said amendment, it was determined in the negative.

Yeas,

35

Nays,

37

The ayes and nays being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Houston, Huddleston, Hughes, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Nave, Polk, Scott, Sherrill, Smart, Trott, Turner, Turkey, Walker of Hickman, and Wann.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Madison, Crudup, Duggan, Goode, Hamilton, Hodsdon, Humphreys, Kinney, Lenoir, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

Said bill was then read a second time and passed.

On motion of Mr. Humphreys,

The House took up a resolution, No. 130, directory to the Comptroller of the Treasury, submitted by him on the 2d inst., and laid on the table.

Ordered that said resolution be referred to the Committee on Claims.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered bills from the House of the following titles, to wit:

A bill, No. 116, to incorporate Buffalo academy, in the county of Perry.

A bill, No. 133, to amend the act of 1835, section 1, defining the incompetency of Judges in certain cases.

A bill, No. 179, to amend the several acts incorporating the town of Memphis.

Which bills they have severally read a third time and passed, without amendment, and the same are herewith transmitted to the House.

The Senate have taken up and considered the amendment of the House to the Senate's amendment to House bill No. 85, to appoint an agent to collect damages on school lands.

In which amendment of the House the Senate concur, with an amendment thereto, herewith transmitted, and the concurrence of the House therein is requested.

Mr. Hodsdon, from the Committee on Education and Common Schools to which was referred,

A bill, No. 99, to revise, condense, and bring into one view the law in relation to Common Schools, reported that said committee had had the same under consideration and had instructed him to report said bill with sundry amendments, and with said amendments to recommend the passage of the bill.

Said amendments were thereupon concurred in by the House.

Mr. Black moved to amend the bill by striking out the fifteenth section, giving to the common school commissioners power to collect from parents and guardians whatever amount the public funds appropriated to any district may fall short of, paying the teacher's wages in said district.

Which amendment was rejected.

Mr. Moores moved to lay said bill on the table.

Which motion was disagreed to by the House.

The bill as amended, was then read a second time and passed.

The Speaker laid before the House the report of the Bank commissioners appointed to examine the Branch of the Bank of Tennessee at Shelbyville.

Which report was read.

On motion of Mr. Black,

Ordered that said report and accompanying documents be transmitted to the Senate.

Mr. Williams introduced

A bill, No. 243, to provide for ceding to the United States that portion of the State of Tennessee lying East of the Cumberland Mountains.

Mr. Nave introduced

A bill, No. 244, to amend the 4th section of an act passed October 29th, 1842, to apportion the representation in the General Assembly of the State of Tennessee.

Mr. Scott introduced

A bill, No. 210, to allow jurors of inquest the same pay as jurors of the circuit court.

Mr. Coggin introduced

A bill, No. 217, supplemental to an act passed at the present session of the General Assembly, entitled "an act to authorise the clerks of the Supreme Court to furnish new counties with the reports of the Supreme Court."

Mr. Milligan introduced

A bill, No. 218, to change the name of Tusculum Academy to Tusculum College.

Which bills were severally read a first time and passed.

Mr. Humphreys introduced

A bill, No. 219, to authorise John Stratton to open a turnpike road.

Mr. Frible introduced

A bill, No. 219, to incorporate the Nashville dam and lock company.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on Internal Improvements.

Mr. Rawlins submitted the following resolution, No. 136:

Resolved by the General Assembly of the State of Tennessee That the President and Directors of the Bank of Tennessee, at Athens, be and they are hereby directed and requested to pay to the commissioners heretofore appointed by law to superintend the improvements to the navigation of Sequatchee river, in Marion county, the amount of money authorised and required to be paid to them as commissioners aforesaid, under the provisions of an act of the General Assembly of the State of Tennessee, passed the day of January, 1842, entitled an "act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District in full discharge of their claim against the State for river bonds, under the act of 1837 and 1833, and for other purposes"

Which was read and laid on the table.

Mr. Ford introduced

A bill, No. 257, to incorporate the Williamsport Bridge Company.

Which bill was read a first time and passed.

Mr. Boddie asked and obtained leave to withdraw for amendment the following bill:

A bill, No. 133, to charter a turnpike road from Gallatin, to the Gastilian Springs and Hartsville, in Sumner county.

Mr. Rodgers, who had withdrawn for amendment,

A bill, No. 89, to change the method of renewing notes in the Bank of Tennessee and Branches; and

A bill, No. 93, defining the method of obtaining judgments on notes due the Bank of Tennessee and Branches, returned said bills with an amendment to bill No. 96, and said bills with the amendment ordered to be placed on the calendar.

The House then adjourned.

FRIDAY, DECEMBER 8th, 1843.

The House met pursuant to adjournment.

The Speaker of the House laid before the House the report of the Bank commissioners appointed to examine the Branch of the Bank of Tennessee, at Clarksville.

Which report was read.

Ordered that said report together with the accompanying documents be transmitted to the Senate.

Mr. Maury, from the Committee on Enrollments, reported, as truly enrolled the following bills:

An act to incorporate the Buffalo Academy, in the county of Perry.

An act to amend the act of 1835, chap. 68, section 1 defining the incompetency of Judges in certain cases; and

An act to amend the several acts incorporating the town of Memphis.

The Speaker of the House thereupon signed said enrolled bills.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

Mr. Hamilton, from the Committee on Elections, to which had been referred,

A House bill, No. 232, prescribing the mode of choosing electors to vote for President and Vice President of the United States reported that the committee had had the same under consideration and had instructed him to report that finding a bill from the Senate on the same subject, they ask to be discharged from the further consideration of said bill, as they consider the same superseded by Senate's bill, No. 51, on the same subject.

Which report was concurred in by the House, and the committee discharged accordingly.

Mr. Hamilton from said committee, to which was referred

A bill from the Senate, No. 51, to prescribe the mode of choosing electors to vote for President and Vice President of the United States, reported that the committee had had the same under consideration and had instructed him to report said bill without amendment and to recommend its passage.

Said bill was then read a second time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read the following petition:

A petition, No. 96, of the board of trustees of the Union Seminary, in Maury county, praying the repeal of an act passed in 1842, for the amendment of their charter; and

A petition from sundry citizens of Marion county, praying the charter for a turnpike road granted to Samuel B. Mead may not be transferred to any other person.

Which petitions are herewith transmitted.

The Speaker of the Senate has signed the following enrolled bills, to wit:

An act to incorporate the Buffalo academy in the county of Perry.

An act to amend the act of 1835, chapter 68, section 1, defining the incompetency of Judges in certain cases; and

An act to amend the several acts incorporating the town of Memphis.

Which bills are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

On motion of Mr. Smart,

Ordered that Mr. Trott have leave of absence until Monday next.

Mr. Morrow, from the Committee on Claims, to which had been referred,

A resolution, No. 110, directory to the Comptroller of the Treasury, reported that the committee had had the same under consideration and had instructed him to report the same without amendment and to recommend the adoption thereof.

And the question being taken on the adoption of said resolution, it was determined in the affirmative.

Yeas

41

Nays

26

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Brooks, Burrus, Cheatham, Cherry, Cross of Madison, Crudup, Deavenport, Fisher, Garner, Goode, Gordon, Hodsdon, Hord, Huddleston, Hughes, Humphreys, Kinney, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Morrow, Polk, Rodgers, Scott, Sherrill, Smart, Trimble, Turner, Turney, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Carson, Cleveland, Cross of Sullivan, Crouch, Dearing, Duggan, Edwards, Eubank, Glenn, Goodall, Hamilton, Houston, Lauderdale, McGinnis, Marr, Moores, Moorman, Nave, Richardson, Roach, Tyler, Walker of Hickman, and Wann.

So said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow, from the committee, to which had been referred,

A bill, No. 71, for the relief of James Barry and others, reported that the committee had had the same under consideration and had instructed him to report the same without amendment and to recommend the passage of the bill.

Said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the negative.

Yeas

31

Nays

32

Those who voted in the affirmative are,

Messrs. Alexander, Black, Boddie, Bond, Burrus, Carson, Cheatham, Deavenport, Duggan, Garner, Hodsdon, Hord, Hughes, Humphreys, Lauderdale, Lenoir, Maury, Miller of Marshall, Moores, Morris, Morrow, Rawlings, Rodgers, Scott, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Bone, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Edwards, Eubank, Fisher, Goodall, Goode, Gordon, Hamilton, Houston, Huddleson, Kinney, McGinnis, Marr, Miller of Hardeman, Milligan, Nave, Richardson, Roach, Turner, Turney, and Walker of Hickman.

Said bill was rejected.

Mr. Bledsoe moved a reconsideration of the vote of the House just taken rejecting said bill.

Mr. Polk submitted the following resolution, No. 137:

Resolved by the General Assembly of the State of Tennessee, That the commissioners appointed to investigate the condition of the principal Bank of Tennessee be and they are hereby instructed to report to this General Assembly the amount of losses which the principal Bank sustained during the first two years when under the control of a Whig directory, and also the amount of losses sustained for the next four years when under the management of a Democratic directory, and that they be further instructed in reporting the losses for the four years as specified in this resolution to state whether the debt was created during the first two years as specified in this resolution.

Mr. Polk moved a suspension of the rule of this House requiring resolutions to lie one day on the table.

Which motion prevailing, the House proceeded to the consideration of said resolution.

Mr. Goode moved to amend the resolution by adding thereto the following amendment:

"And that the objects of this resolution be required to be reported upon by the commissioners of the several Branches from whom no report has been received."

Which amendment was accepted by Mr. Polk, and ordered to be added to said resolution.

Mr. Walker of Williamson moved that said resolution be referred to the Committee on Banks.

Mr. Goode moved to amend said motion by adding thereto the following specific instruction to said committee:

"With instructions to examine and report whether the resolutions here offered adopted do not embrace the present resolution, if not, to what length of time the investigation would be extended by this resolution, and whether it would be practicable to make the investigation and report sought for."

And the question being taken on agreeing to said motion to refer said resolution to the Committee on Banks, it was determined in the affirmative,

Yeas

33

Nays

29

The yeas and nays, No. 160, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Book Burrus, Carson, Cheatham, Coggin, Cross of Madison, Crudup, Dearing,

Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Lenoir, Maury, Miller of Hardeman, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Cherry, Cross of Sullivan, Crouch, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Man, Miller of Marshall, Milligan, Moores, Polk, Richardson, Scott, Turner, Turney, Walker of Hickman, and Wann.

So the House ordered that said resolution be referred to the Committee on Banks.

And thereupon the House agreed to the instructions as moved by Mr. Goode.

Mr. Morrow, from the Committee on Claims, to which had been referred,

A bill, No. 82, to refund to Sheriff's revenue improperly paid by them, reported said bill without amendment and recommended its passage.

Said bill was then read a second time and passed.

Mr. Morrow, from said committee, to which was referred, a petition, No. 123, of William Casey, jailer for Campbell county, praying for legislative relief, reported that the Committee had had the same under consideration and had instructed him to report that the prayer of the petitioner is unreasonable and ought not to be granted.

Mr. Williams moved a nonconcurrence in the report of the committee.

Which motion failing, said report was thereupon concurred in by the House.

On motion of Mr. Williams,

Ordered that said petition be transmitted to the Senate.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred,

A bill, no. 249, to incorporate the Nashville Dam and Lock Company,

Reported that the committee had the same under consideration and had instructed him to return the same to the House without amendment and recommend its reference to a select committee to be composed of seven members.

Which report was concurred in by the House.

Thereupon the Speaker of this House announced the appointment of Messrs. Hodsdon, Kinney, Bond, Turner, Tyler, Moorman, and Polk, to be of said committee.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred

A bill, no. 87, to improve the condition of Common Schools in the State of Tennessee,

Reported that the committee had had the same under consideration and had instructed him to report said bill with an amendment thereto, and with said amendment to recommend the passage of the same.

Which amendment is as follows:

Sec. 3. *Be it enacted*, That it shall be the duty of the several county courts of this State at any quarterly term to appoint two suitable per-

sons as commissioners to act in conjunction with the clerk of the county court, and when a difference of opinion shall exist on any question between the commissioners a majority shall decide.

Which amendment was adopted.

Said bill was then read as amended a second time and rejected.

Mr. Hodsden, from the Committee on Education and Common Schools, to which had been referred

A bill, no. 69, more effectually to secure the Common School fund, Reported said bill without amendment and recommended its passage.

Said bill was then read a second time and passed.

Mr. Hodsden, from said committee to which had been referred a resolution, no. 29, in relation to Common Schools, reported that the committee had had the said resolution under consideration and have instructed him to report unfavorable to the objects of said resolution and ask to be discharged from the further consideration thereof.

Which report was concurred in by the House.

The House took up the amendment of the Senate to the amendment of the House to the Senate's amendment to the House bill, no. 18, to amend and make uniform the attachment laws of this State.

The House took up the amendment of the Senate to the amendment of the House to Senate's amendment to House bill, no. 85, to appoint an agent to collect damages upon School lands.

The House took up the amendment of the Senate to House bill, no. 128, to incorporate the Young Men's Literary Society of Knoxville.

Which amendments of the Senate were severally concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred

A bill, no. 212, to reduce the fees of certain county officers,

Reported said bill without amendment and recommended its rejection.

On motion of Mr. Rodgers,

Said bill and report was laid on the table.

Mr. Cleveland asked and obtained leave to withdraw said bill for amendment.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a bill of the following title:

A bill, no. 227, to establish a chancery court at the town of Petatur, in the county of Mercer; and

A bill, no. 142, to establish a chancery court at Wayne borough, in the county of Wayne, and to abolish the chancery courts at Savannah and Lawrenceburg, together with a petition no. 104, on the same subject.

Reported that the committee had had the said bills under consideration and had instructed him to report said bills without amendment and recommend their passage.

Said bills were then read a second time and passed.

Mr. Miller of Hardeman, from the same committee, to which had been referred

A bill, no. 158, to amend the act of 1806, chapter 1st, section 21, prescribing the manner of processioning land,

Reported that the committee had had the same under consideration and had instructed him to report said bill without amendment and recommend its rejection.

Said bill was then read a second time and passed.

Mr. Turner asked and obtained leave to withdraw said bill for amendment.

Mr. Crudup asked and obtained leave to withdraw for amendment,

A bill, no. 142, to establish a chancery court at Waynesborough, in the county of Wayne, and to abolish the chancery courts at Lawrenceburg and Savannah.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred

A petition, no. 140, of Jincy C. Guinn and other citizens of Henry county praying the passage of a law creating her a femme sale to enable her to hold property in her own rights; and

A resolution, no. 134, directed to said committee in relation to the subject matter contained in the above petition, reported that the committee had the same under consideration and had instructed him to report against the prayer of the petitioners and the objects of the resolution and ask to be discharged from the further consideration thereof.

Which report of the committee was concurred in.

Mr. Carson, from the Joint Select Committee on the Culture of Silk to which had been referred

The memorial of an hundred ladies, and also the petition of sundry citizens of the counties of Smith, Wilson, Davidson, Rutherford and Jefferson, praying the passage of a law concerning the bounty heretofore paid by the State on native cocoons and reared silk together with

A bill from the House, no. 58, to continue the encouragement of the culture of silk in the State of Tennessee, with an amendment thereto in lieu of the whole bill, reported that the committee had had the petitions and bill referred to them under consideration and had instructed him to report that the prayer of the petitioners are reasonable and ought to be granted, and report said bill without amendment and recommend the passage thereof, and ask to be discharged from the further consideration of said petitions.

The House discharged the committee accordingly.

Mr. Gordon moved to amend said bill by inserting after the words "ten cents per pound for," the word "dry."

Which amendment was adopted.

Said bill was then read a second time.

And the question being taken "shall the bill pass?" it was determined in the negative.

Yeas

33

Nays

23

The yeas and nays, No. 168, being called for by Mr. Black, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Boddie, Bond, Brooks, Burrus, Carson,

Cheatham, Coggin, Cross of Sullivan, Crudup, Goode, Godsden, Hord, Houston, Humphreys, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Sherrill, Tiffanie, Turner, Tyler, Walker of Williamson, and Williams.

Those who voted in the negative are,

Messrs Black, Bledsoe, Bobo, Bone, Cherry, Cleaveland, Cross of Madison, Creuch, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Goodall, Gordon, Hamilton, Hubbleston, Hughes, McGinnis, Mari, Miller of Marshall, Mahgan, Nave, Richardson, Rodgers, Scott, Smart, Turney, Walker of Hickman, Wann, Wheeler, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Crudup, who had withdrawn for amendment,

A bill from the Senate, No. 13, to authorize the county courts of Henderson and Perry counties to make such disposition of the Internal Improvements land belonging to said counties as to them shall seem proper,

Returned said bill without amendment

Ordered that said bill be placed on the calendar amongst the bills on their third reading.

Mr. Houston, who had withdrawn for amendment,

A bill, No. 53, to appoint Commissioners of the Beas Station Turnpike Road and for other purposes,

Returned said bill with an amendment thereto.

Ordered that said bill be placed on the calendar with bills on their third reading.

The House took up

A petition from the Senate from sundry citizens of Marion county, praying the charter for a Turnpike road granted to Samuel B. Mead may not be transferred to any other person.

On motion of Mr. Richings,

Ordered that said petition be referred to the Committee on Internal Improvements.

The House took up,

A petition from the Senate, No. 26, from the Board of trustees of the Union seminary in Maury county, praying the repeal of an act passed in 1842, and an amendment of their charter.

On motion of Mr. Gordon,

Ordered that said petition be referred to the Committee on Education and Common Schools.

The House took up petitions from the Senate as follows:

A petition, No. 33, praying the grant of a charter for a turnpike road from Carthage to Clinton on the McAdamsized plan to consist of private stockholders; and

A petition, No. 92, of Thomas Ross and others of Marshall county.

Which petitions were severally read and laid on the table.

The House took up,

A petition from the Senate, No. 94, from sundry citizens of Shelby

county, praying that the county courts have power to cause to be widened roads of the first class in the Western District.

On motion of Mr. Avery,

Ordered, that said petition be referred to the Committee on Internal Improvements.

Mr. Goodall submitted the following resolution, No. 158:

Resolved, That a minute be so made upon the journals of this House to show that . . . A. Trice is prevented by sickness from attending to the duties of this House.

Which resolution was read, and the 59th rule of the House being suspended said resolution was adopted.

Mr. Humphreys submitted the following resolution, No. 139:

Resolved, That the Committee on Internal Improvement be instructed to take into consideration the propriety of making damages, sustained by the construction of the Hiwassee railroad, receivable in payment for stock due said road and report by bill or otherwise.

Which was read and laid on the table.

On motion of Mr. Walker of Hickman,

The House took up,

A bill from the Senate to amend the act incorporating the town of Centreville.

Which bill was read a first time and passed.

Mr. Walker of Hickman asked and obtained leave to withdraw said bill for amendment.

The House took up,

The report of the cashier of the Farmers' and Merchants' Bank at Memphis.

Which was read and laid on the table.

On motion of Mr. Morrow,

The House took up,

A resolution, No. 124, requesting our Senators and Representatives in Congress to procure the passage of an act of Congress authorizing the importation of railroad iron free of duty in certain cases.

Which was read and adopted.

On motion of Mr. Williams,

The House took up,

A memorial and resolution, No. 117, to the Congress of the United States, asking for an appropriation to remove obstacles in the Tennessee and Holston rivers.

Which was read.

And the question being taken on the adoption of said memorial and resolution, it was determined in the negative.

Yeas

25

Nays

35

The ayes and nays, No. 164, being called for by Mr. McGinnis, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bond, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Duggan, Goode, Hamilton, Hold, Hodsdon, Houston, Humphreys, Lenoir, Moorman, Morrow, Nave, Rawlings, Rodg-

ers, Sherrill, Trimble, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are, Messrs Black, Bledsøe, Bobo, Boddie, Cheatham, Cherry, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Fisher, Garner, Goodall, Gordon, Hughes, Kinney, Lauderdale, McGinnis, Mari, Maury, Miller of Marshall, Moores, Morris, Richardson, Reach, Smart, Turner, Turney, Tyler, Walker of Hickman, and

W. S. S. So said resolution was rejected.

Mr. Cleveland moved a reconsideration of the vote of the House taken this day rejecting,

A bill, No. 58, to continue the encouragement of the culture of silk in the State of Tennessee.

Mr. Black introduced

A bill, No. 251, authorising the county court of Marshall county to make an appropriation to James C. Record, William McClure and Thos. Ross.

Mr. Gordon introduced

A bill, No. 252, to repeal an act to amend an act incorporating Union Seminary in the county of Maury, passed Feb. 5th, 1842.

Which bills were severally read a first time and passed.

Ordered that the last mentioned bill be referred to the Committee on Education and Common Schools.

Mr. Miller of Marshall introduced

A bill, No. 253, to alter the county line between the counties of Giles and Marshall.

Ordered that said bill together with a petition, No. 146, from sundry citizens of Giles county, praying to be attached to the county of Marshall, be referred to the Committee on New Counties and County lines.

The House then adjourned.

SATURDAY, DECEMBER 9th, 1843.

The House met pursuant to adjournment.

Mr. Alexander presented

A petition, No. 148, from George C. Halloway and H. M. Carden, praying for Legislative relief.

Ordered that said petition be referred to the Committee on Claims.

Mr. Richardson, from the Committee on Internal Improvements to which had been referred the following bills, to-wit.

A bill, No. 236, to authorise John F. Hannah and Company to open a Turnpike road; and

A bill, No. 245, to authorise John Stratton to open a Turnpike road,

Reported that the committee had had said bills under consideration and had instructed him to report said bills without amendment and to recommend the passage of the same.

Said bills were then read a second time and passed.

Mr. Crudup who had withdrawn for amendment

A bill, No. 142, to establish a chancery court at Waynesborough, in the county of Wayne and to abolish the chancery courts at Lawrenceburg,

Returned said bill with sundry amendments—1st amendment to insert after the word "Hardin" in the third line of the first section, "and that part of Perry county lying east of the Tennessee River." 2nd amendment constitutes an additional section of the bill making the fifth section—which amendment is as follows:

Sec. 5. *Be it enacted*, That the records and papers in all cases in the chancery courts at Huntingdon, which were instituted by persons residing in Perry county, East of the Tennessee river, be transferred from the said chancery court at Huntingdon, to the chancery court at Waynesboro, to be proceeded in as in other cases, transferred to said last mentioned court under this act and that suits of chancery originating in said county of Perry, on the East side of the Tennessee river may be brought in the said chancery court at Waynesboro.

Which amendments were severally adopted.

Ordered that said bill be placed on the calendar with bills on their third reading.

Mr. Black moved that a select committee be appointed to take into consideration a resolution of the fees of the different county officers in this State.

Which motion was agreed to.

Thereupon the Speaker announced the appointment of Messrs. Cleveland, Black, and Rodgers as said committee.

On motion of Mr. Rawlings,

The House took up a resolution, No. 136, directory to the President and Directors of the Branch Bank of Tennessee at Athens, submitted by him on the 7th inst.

On motion of Mr. Farquharson,

Ordered that said resolution be referred to the Committee on Banks

Mr. Maury, from the Committee on Enrolments, reported as truly enrolled, the following bills, to wit:

An act to amend and make uniform the attachment laws of this State; and

An act to appoint an agent to collect damages on school lands.

The Speaker of the House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

Mr. Wheeler introduced

A bill, 254, to authorise justices of the peace to issue subpoenas for witnesses, to adjoining counties.

Mr. Duggan introduced

A bill No. 255, to authorise John Stewart of Cocke county, to build and construct a mill dam across one branch of French Broad river, in Cocke county.

Which bills were severally read a first time and passed.

Ordered that said first mentioned bill, No. 254, be referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Cockey, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed the following enrolled bills from the House, to wit.

An act to amend and make uniform the attachment laws of this State; and

An act to appoint an agent to collect damages on school lands.

Which enrolled bills are herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr. Cross of Madison submitted the following resolution, No. 140.

Resolved by the General Assembly of the State of Tennessee, That this General Assembly do adjourn on the first Monday in January next, without day.

Which was read.

Mr. Cross of Madison, moved a suspension of the 59th rule, requiring resolutions to lie one day on the table.

Which motion being rejected, said resolution was laid on the table.

On motion of Mr. Morrow,

The House took up

A bill, No. 25, to authorise the sale of the common school lands in the State of Tennessee, at the wish of the people of the township wherein they may be situated.

Mr. Morrow moved to fill the blanks in the 1st and 2nd lines in the 1st section with the words "second Monday in March," and further to amend said section by striking out the words "a justice of the peace" in the 4th line and insert "the commissioners of the school land."

Which amendments were adopted.

Mr. Faghauson moved to strike out the second section of the bill and insert in lieu thereof the following:

Sec. 2. *Be it further enacted*, That it shall be the duty of the commissioners of school lands or justices of the peace, (as the case may be,) before proceeding to hold the election provided for in the 1st section of this act, to appoint a clerk who shall be sworn faithfully, honestly, and uprightly to perform the duties assigned him, and shall prepare a form of return for the result of such election with two columns, one of which shall be headed for the sale of the school land, and the voters in favor of the sale of the school land shall enter their names therein, the other shall be headed against the sale of the school lands, and the voters against said sale shall enter their names therein, and the commissioners aforesaid of justice of the peace shall certify said return in the following manner and form, to wit:

The undersigned commissioners of the School lands, or justices of the peace, (as the case may be) for township _____ District, No. _____ do hereby certify that an election was held at _____ in said township, on the _____ day of _____ for the purpose of ascertaining the wish of the people of said township, in relation to the sale of the school lands situated therein; that the foregoing is the vote of the people of said township, that all the persons voting are citizens of said township; qualified to vote for members of the General Assembly: and that the

voting for the sale of the school lands, constitute a majority of all the voters in said township; which certificate shall be signed by the commissioners or justice of the peace holding said election, and countersigned by the clerk; and the clerk shall make out a true copy of the result, which shall be certified in the same manner as the original, and shall be delivered to the clerk of the county court of said county, and the original shall be deposited with the clerk of the circuit court, for the county wherein said lands, or the major part thereof may be situated, to be disposed of as hereinafter directed.

Mr. Farquharson moved to amend the fourth section of said bill by inserting after the word "failure" in the sixth line "at the first term," and after the words "subsequent term" in the same line, to insert "to have the return of the election, and the certificate of the commissioners, or justice of the peace, entered of record, and upon such return and certificate."

Mr. Farquharson moved to strike out in same section and ninth line the words "by quarter sections or otherwise"

Which several amendments were adopted.

Mr. Farquharson moved to amend said bill by inserting after the words "highest bidder" in the 10th line of section 4th, the following amendment: "one fifth part of the purchase money to be paid upon the issuance of a certificate of purchase, and the balance."

Which was rejected.

Mr. Turney moved to insert "one sixth of the purchase money to be paid as above specified."

Which was rejected.

Mr. Farquharson then moved that one eighth of the purchase money to be paid upon the issuance of a certificate of purchase.

Which amendment was adopted.

Mr. Morrow moved to fill the blank in the 10th line of said section with "ten years."

Which was adopted.

Mr. Morrow moved further to amend said section, by striking out in the 18th line "the 25th day of December," and insert in lieu thereof "1st Monday in April."

Which amendment was adopted.

Mr. Farquharson moved to amend the 6th section of the bill by striking out in the 10th line the words "when said Bank or Branch," and inserting in lieu thereof "in which said lands;" and also to amend in the 15th line of said section, by inserting after the word "property" "real and personal."

Which several amendments were adopted

Mr. Morrow moved to fill the blank in the 5th line of the 8th sec. with "forty."

Mr. Miller moved to fill the blank with "eighty."

Which was rejected.

And the question then recurred on the motion of Mr. Morrow, to fill the blank with "forty."

Which was agreed to.

Mr. Tyler moved to strike out all of the tenth section of the bill.

Mr. Farquharson moved to amend said section by striking out the words "amount of" in the 10th line, and inserting at the end of the section "and the amount of money collected on each."

Which amendment was adopted.

Mr. Tyler then withdrew his motion to strike out said section as amended.

Mr. Black moved to amend the bill by adding an additional section, constituting the fifteenth section to the bill; which amendment is as follows:

Sec. 15. *Be it enacted*, That at the election provided for in this act, it shall be the duty of such person, opening and holding an election for the sale of school land, to open and hold an election at the same time and place, for the purpose of electing three persons, whose duty it shall be to value the school lands in their township; and when such value is ascertained, it shall be their duty to notify the clerk of the circuit court in their county, of such valuation, and it shall be the duty of the clerk to publish the same in the notice for the sale of such land, and upon the clerk proceeding to offer such lands for sale, and fails to obtain a bid equal to such valuation, there shall be no sale, and such land shall remain to the township as heretofore.

Which amendment was adopted.

Mr. Garner offered the following amendment, constituting the 17th section:

Sec. 17. *Be it further enacted*, That hereafter the election for school land commissioners shall be held on the second Saturday in January, instead of the first Monday as heretofore.

Which amendment was adopted.

Mr. Miller of Marshall moved to amend said bill, by striking out all after the words "authorised by law to receive it," in the 10th section, and inserting in lieu thereof the following amendment:

"And it shall be the duty of the circuit court clerk, to take such note or notes for any school lands sold under the provisions of this act, as the President and Directors of the Bank or Branch, with which the note or notes shall be deposited shall approve, and when accepted by the Bank or Branch, said Bank or Branch shall be liable to the school township or fractional township respectively, for the amount of notes deposited with them."

Which amendment was rejected.

Mr. Farquharson offered the following amendment constituting the 16th section to the bill:

Sec. 16. *Be it further enacted*, That when any of the circuit courts of this State shall deem that the school lands or any part thereof shall be sold as provided for in the fourth section of this act, it shall be the duty of the circuit court clerk, and he is hereby required to enter into bond, with two or more good securities, to be approved by the court, in the sum of \$10,000, conditioned for the faithful performance of his duty, required of him under this act, and the payment of moneys coming into his hands from the sale of school lands to the Bank of Tennessee or the Branch of said Bank for the district in which the lands are situated, and upon failure to pay over moneys as required by

this act, the school land commissioners may obtain judgments, by motion, upon such bond against said clerk and his securities for the amount not paid over with the costs and interest thereon for the use of the district, where such money may belong.

Which amendment was adopted.

Said bill was then further amended.

Said bill as amended was read a third time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative.

Yeas	33
Nays	28

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bobo, Bone, Burrus, Coggins, Crouch, Dearing, Farquharson, Fisher, Garner, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Miller of Marshall, Milligan, Morris, Morrow, Rawlings, Rodgers, Scott, Sherrill, Smart, Turney, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bond, Brooks, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Duggan, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsden, McGinnis, Miller or Hardeman, Moores, Moorman, Nave, Polk, Richardson, Roach, Trice, Tyler, Walker of Hickman, Wheeler, and Williams.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House then adjourned until Monday morning, 9 o'clock.

MONDAY, DECEMBER 11th, 1843.

The House met pursuant to adjournment.

Mr. Morrow introduced

A bill, No. 256, to authorise the election of an additional justice of the peace, in the town of Chattanooga.

Mr. Avery introduced,

A bill, No. 257, to amend the act of 1811, chap. 120, sec. 1st.

Which bills were severally read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read the following petitions:

A petition, No. 97, of sundry citizens of Hamilton county, praying that the 11th civil district of said county may be attached to Rhea county; and

A petition, No. 98, from sundry citizens of Henderson county, in relation to the establishment of a chancery court at Lexington.

Which petitions are herewith transmitted.

The Senate have taken up and passed on its third reading with an amendment thereto,

A bill from the House, No. 53, for the relief of securities, endorsers, and stayors on judgments hereafter rendered.

Which amendment is herewith transmitted and the concurrence of the House of Representatives therein requested.

On motion of Mr. Scott,

The House took up a petition, No. 20, from sundry citizens of Weakley county praying Legislative relief for William Laws and Benjamin P. Wheeler.

Ordered that said petition be transmitted to the Senate.

On motion of Mr. Goode,

The House took up the following bills:

A bill, No. 191, to amend the laws of this State regulating the practice of chancery courts and reducing the expenses of the same; and

A bill, No. 108, to amend the act of 1842, chap. 34.

Mr. Goode offered sundry amendments to said bill, No. 108.

Ordered that said bills and amendment be referred to the Committee on the Judiciary.

On motion of Mr. Rawlings,

The House took a resolution, No. 140, to adjourn the first Monday in January next, submitted by Mr. Cross of Madison on the 9th inst.

Mr. Nave moved to strike out the "first Monday," and insert in lieu thereof "the fifteenth day of."

Which was rejected.

Mr. Coggin moved to lay said resolution on the table.

And the question being taken on agreeing to said motion it was determined in the negative.

Yeas

12

Nays

54

The yeas and nays, No. 108, being called for by Mr. Cross of Madison and ordered by the House.

Those who voted in the affirmative are,

Messrs. Bobo, Boddie, Coggin, Crouch, Eubank, Hodsden, Hord, Hughes, Kinney, Marr, Moores, and Nave.

Those who voted in the negative are,

Messrs. Anderson, Avery, Plack, Bledsoe, Bond, Brooks, Carson, Chatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Cradup, Deavenport, Dearing, Edwards, Farquharson, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Houston, Huddleston, Jourdan, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Maestail, Milligan, Moorman, Morris, Morrow, Paik, Rawlings, Richardson, Reach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turney, Tyler, Waller of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to lay said resolution on the table.

Mr. Huddleston moved to amend said resolution by striking out "first Monday in January" and inserting the "23d day of this instant."

Which was adopted.

Mr. Hodsden moved to lay said resolution as amended on the table.

And the question being taken on agreeing to said motion, it was determined in the negative.

Yeas
Nays

22
46

The ayes and noes, No. 167, being called for by Mr. Miller of Hardeman and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Boddie, Brooks, Coggin, Crouch, Crudup, Dearing, Hodaden, Hord, Hughes, Kinney, Lenoir, Morris, Morrow, Nave, Rodgers, Sherrill, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bond, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Houston, Huddleston, Jourdan, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Scott, Smart, Trice, Trimble, Turney, Tyler, Walker of Hickman, Wann, Williams, and Wyley.

So the House refused to lay said resolution on the table.

Mr. Brooks moved to reconsider the vote of the House just taken striking out the "first Monday of January," and inserting "the 23d of December."

And the question being taken on agreeing to said motion to reconsider, it was determined in the affirmative,

Yeas
Nays

36
32

The ayes and noes, 168, being called for by Mr. Miller of Hardeman, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bobo, Boddie, Bond, Brooks, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Goode, Hodaden, Hughes, Kinney, Lenoir, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Cherry, Deavenport, Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Huddleston, Jourdan, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Polk, Scott, Smart, Turney, Walker of Hickman, Wann, and Wyley.

So the House agreed to reconsider said vote.

The question was then taken on striking out "the first Monday in January," and inserting "the 23d this inst."

Mr. Nave moved a division of the question.

And the question being taken on agreeing to strike out, it was determined in the negative.

Yeas
Nays

30
37

The yeas and nays, No. 169, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Black, Boddie, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Moores, Nave, Polk, Scott, Sherrill, Smart, Trice, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Bond, Brooks, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Dearing, Goode, Hamilton, Jourdan, Miller of Hardeman, Milligan, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to strike out the first Monday in January

Mr. Farquharson offered the following amendment in lieu of the whole resolution:

Resolved, That this General Assembly will proceed in the despatch of the public business and adjourn at the earliest day practicable, consistent with a due regard to the preservation of the honor and credit of the State.

Mr. Walker of Hickman moved to lay said amendment on the table.

The chair decided said motion out of order.

From which decision of the chair Mr. Miller of Hardeman appealed to the House.

And the question was then taken, shall the decision of the chair stand as the judgment of the House, and was determined in the affirmative.

So the decision of the chair was sustained by the House.

And the question being taken on agreeing to Mr. Farquharson's amendment, it was determined in the negative.

Yeas	27
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Nays	40
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The ayes and nays, No. 170, being called for by Mr. Farquharson, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bledsoe, Bobo, Boddie, Brooks, Carson, Cleveland, Coggin, Crown, Crudup, Dearing, Farquharson, Glenn, Goodall, Gordon, Hodsden, Hord, Hughes, Kinney, Lenoir, Morrow, Nave, Rodgers, Sherrill, Turney, and Wheeler.

Those who voted in the negative are,

Messrs. Avery, Black, Bond, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Edwards, Eubank, Fisher, Garner, Goode, Hamilton, Houston, Huddleston, Jourdan, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Polk, Rawlings, Richardson, Roach, Scott, Smart, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

The question was then taken on the original resolution as offered by Mr. Cross of Madison and adopted.

On motion of Mr. Bond,

Ordered that Mr. Goode be added to the Committee on Enrolments.

On motion of Mr. Williams,

The House took up,

A bill from the Senate, No 15, to establish two terms of the circuit court annually, to diminish the expenditures in the administration of justice, and for other purposes:

Mr. Goode moved that said bill be so amended that the courts in the 8th judicial circuit shall be held as follows:

For the county of Marshall, on the third Mondays in February and August; for the county of Giles, on the fourth Mondays of January and July; for the county of Hickman, on the first Mondays in March and September; and for the county of Maury, on the first Mondays of May and November.

Which amendment was adopted.

The bill was further amended on motion of Mr. Bledsoe, so as to provide that the circuit court for the county of Bedford shall be held on the fourth Mondays of January and July.

The bill was further amended on motion of Mr. Richardson, so as to provide that the circuit court for the county of Cannon shall be held on the first Mondays in June and December.

Mr. Polk moved to amend the bill by inserting the following amendment as the second section of the bill, to wit:

Sec. 2. *Be it enacted*, That the several Judges of the circuit courts who have been elected by the present General Assembly and who have not entered upon the duties of their office for the term for which they have been elected, and such as shall hereafter be elected or be appointed by the Governor of the State to fill vacancies happening in the recess of the General Assembly, shall, during their continuance in office, receive the annual salary each of thirteen hundred dollars and no more, to be paid as the salaries of the circuit courts are now paid by law.

And the question being taken on agreeing to said amendment, it was determined in the affirmative.

Yeas

41

Nays

26

The yeas and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Brooks, Carson, Cleaveland, Cross of Sullivan, Crouch, Crudup, Deaverport, Bearing, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Houston, Hurdleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Morrow, Nave, Polk, Scott, Sherrill, Smart, Turney, Walker of Hickman, Wann, Wheeler, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Cheatham, Cherry, Cross of Madison, Goode, Hamilton, Hodsden, Hord, Jourdan, Miller of Hardeman, Moores, Moorman, Rawlings, Richardson, Rea, et

Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

So said amendment was adopted.

Mr. Goode moved to strike out the caption of the bill.

Which motion was disagreed to by the House.

Mr. Miller of Hardeman moved to amend the bill by adding thereto the following amendment as an additional section:

Sec. 6. *Be it enacted*, That in all cases where a copy of the declaration shall be served with the writ on the defendant thirty days before the sitting of the court, the cause shall stand for trial at the first term, and it shall be the duty of the officer serving the writ to serve copies of the declaration upon the defendant when furnished with such copies, and return such service when made, endorsed upon the process; and the pleadings shall be made up under such rules as the court may direct so as not to delay justice.

Mr. Brooks moved the previous question

Which motion was not seconded by the House.

Mr. Goode moved to amend the amendment offered by Mr. Miller of Hardeman by adding thereto the following proviso:

Provided that such case may be continued without cost by the defendant upon his, her, or their affidavit that such case is litigated, and that such defendant has endeavored to get ready and is not ready for trial.

Which amendment was adopted.

And the question being taken on agreeing to the amendment of Mr. Miller of Hardeman as amended, and was determined in the negative.

Yeas

19

Nays

48

The ayes and nays, No. 172, being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Black, Bledsoe, Boddie, Bone, Cheatham, Cherry, Fisher, Glenn, Hodsden, Jourdan, Lenoir, McGinnis, Miller of Hardeman, Trice, Trimble, Walker of Hickman, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Avery, Bobo, Bond, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Farquharson, Garner, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Turney, Tyler, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Moores moved to amend the bill by adding thereto an additional section as follows:

Sec. 6 *Be it enacted*, That the Judges in each judicial circuit whenever in their sound discretion they may deem it expedient shall hold a

special term for the trial of criminal causes at any county seat within their respective judicial circuits.

Which amendment was adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the negative.

Yeas,

33

Nays,

35

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bobo, Brooks, Carson, Cleveland, Coggin, Cross of Sullivan, Crouch, Dearing, Garner, Goodall, Goode, Hodsdon, Hord, Huddleston, Kinney, Lenoir, McGinnis, Marr, Milligan, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Wan, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Boddie, Bond Bone, Cheatham, Cherry, Cross of Madison, Crudup, Deavenport, Eubank, Fairquharson, Fisher, Glenn, Gordon, Hamilton, Houston, Hughes, Jourdan, Lauderdale, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Polk, Roach, Price, Trimb'e, Turner, Tyler, Walker of Hickman, Walker of Williamson, and Wyley,

So said bill was rejected.

Mr. Deavenport moved a reconsideration of the vote of the House just taken rejecting said bill.

The House took up the following bills:

A bill, No. 81, to change the method of renewing notes in the Bank of Tennessee and branches.

A bill, No. 143, to amend an act entitled an act to prevent indictments and presentments in certain cases.

A bill, No. 145, to protect the funds of the Bank of Tennessee; and

A bill, No. 151, to amend the laws of this State in relation to cost of suits.

Which bills were severally read a second time and passed.

The House took up,

A bill, No. 96, defining the method of obtaining judgments on notes due the Bank of Tennessee and branches.

Mr. Rodgers' amendment to said bill was then taken up, which is as follows:

Sec. 7. *Be it enacted*, That all the accommodation notes payable at said bank or branches shall be made payable to the President and Directors of said bank or branch.

Which amendment was adopted.

Said bill as amended was then read a second time and passed.

The House took up,

A bill, No. 144, to invest certain funds of the common school in State Bonds.

Mr. Boddie moved to strike out the proviso to the 1st section of said bill.

Which motion was disagreed to by the House.

Mr. Farquharson moved to amend said 1st section by striking out the words "the Ocoee lands or other."

Which motion to strike out prevailed.

Said bill was then read a second time as amended and passed.

The House took up.

A bill, No. 149, to change the punishment in cases of petit larceny and receiving stolen goods of less than ten dollars in value.

Said bill was read a second time and rejected.

On motion of Mr. Cleaveland,

The House took up,

A bill, No. 212, to reduce the fees of certain county officers.

Ordered that said bill be referred to the Select Committee on Fee Bills.

Mr. Mair introduced,

A resolution, No. 225, amendatory of the constitution of the State of Tennessee.

Which was read a first time and passed.

Mr. Milligan moved a reconsideration of the vote of the House taken on Friday, the 8th inst. rejecting a memorial and resolution, No. 119, to the Congress of the United States asking for an appropriation to remove obstructions in the Tennessee and Holston rivers.

The House took up,

A bill, No. 165, to increase the jurisdiction of justices of the peace.

Mr. Coggin moved that the bill be indefinitely postponed.

And the question being then taken on agreeing to said motion, it was determined in the negative.

Yeas,	12
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Nays,	57
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The yeas and nays, No. 171, being called for by Mr. Trott, and ordered House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bond, Coggin, Cross of Madison, Glenn, Goode, Hodson, Moorman, Trimbie, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Clark, Hodson, Loko, Rodche, Stone, Brooks, Carson, Cleatham, Cherry, Cleaveland, Cross of Sullivan, Crouch, Culp, Dearing, Edwards, Farquharson, Fisher, Garner, Goodall, Gordon, Hamilton, Hend, Houston, Hughes, Jordan, Kinney, Lauderdale, Lamar, McGinnis, Minor, Miller of Henderson, Miller of Marshall, Milligan, Moore, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Reach, Rodgers, Scott, Sherrill, Smart, Trier, Trott, Turner, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused the indefinite postponement of said bill as moved by Mr. Coggin.

Mr. Goode moved to amend said bill by striking out the following words, to wit: "from one hundred to two hundred dollars when the balance is on any speciality note, agreement, settled, or unsettled account and."

Which amendment was adopted.

Pending the discussion on the said bill,

The House adjourned.

TUESDAY, DECEMBER 12 h, 1843:

The House met pursuant to adjournment.

Mr. Books presented

A petition, No. 149, from sundry citizens of Jackson county, praying that Wm. Upchurch be restored to the privileges of citizenship.

Which was read and ordered to be transmitted to the Senate.

Mr. Milligan presented

A memorial, No. 150, from the Commissioners of Powell county, praying that the moneys which they expended in organizing said county shall be refunded.

Which was read and referred to the Committee on Claims.

Mr. Cheatham, from the Committee on Banks, presented a report, No. 14, of the President of the Union Bank of Tennessee, at Nashville—which is as follows:

UNION BANK OF TENNESSEE, }
Nashville, Dec. 7th, 1843. }

GENTLEMEN: In reply to the resolution of the House of Representatives, referred to the Joint Committee on Banks, upon the subject of an increase of the circulation of the Banks of this State, by the discounts of notes, &c. I am instructed to state that since May last, this Bank has discounted all the notes offered to it, having not beyond four months to run, and which the Board had reason to believe would be paid at maturity; since the opening of the shipping season, it has been discounting all the bills offered to it, in which the Board has confidence in their payment. The Bank is both able and willing to continue their line of policy, the necessary consequence of which will be an increase of circulation and multiplied facilities for carrying on the business of the country and the probable gradual and healthy rise in the price of every description of property.

I have the honor to be, with great respect,

Your obt. servant,

JOHN M. BASE, Pres't.

To Hon. Wm. CULLOM, and

RICHARD P. CHEATHAM,

Chairm'n of Joint Com. on Banks.

The House took up

The report of the Farmers and Merchants Bank at Memphis.

Which was read at the clerk's table, and is as follows:

FARMERS AND MERCHANTS BANK. }
Memphis, 29th Nov., 1843. }

To the Committee on Banks of

the General Assembly of Tennessee:

GENTLEMEN: Your communication dated the 16th instant has been received and was this day laid before the Board of Directors. Your en-

quity received a respectful and careful consideration by the Board, and I am directed in the absence of the President, to communicate their views upon the subject, in answer to the inquiries you have made.

It has been the policy of the Bank, and particularly for the last half year, to discount small notes to as great an extent as was deemed prudent and safe; and it still is the disposition of the Board to discount freely as heretofore, and is the most advantageous way to the public, so far as prudence and the safety of the institutions may authorise.

In directing the transactions of the Bank, it is the constant care of the Board to endeavor to regulate discounts so that specie payments may be maintained, and always hereafter to avoid suspension. The Bank has no Branches at which to make its paper payable, and from its location, its issues can at this season of the year be presented from many points with great convenience and consequently caution is necessary in increasing the circulation, particularly to do so forthwith.

From the views above stated, I am directed respectfully to reply, that while it is the intention of the Board, to pursue the policy before mentioned as to discounts, they cannot now come under any promise or pledge, to put an additional amount of the paper of the Bank into circulation, as contemplated by your resolution.

Most respectfully,

Your obedient servant,

CHAS. LAFLAND, Cash.

Which reports were ordered to the table,

On motion of Mr. Trott.

Mr. Cheatham returned to the House resolution No. 81, requesting the Banks to increase the discounts submitted by Mr. Trott on the 28th October last, and referred to the Committee on Banks.

Mr. Trott moved that said resolution be transmitted to the Senate.

Mr. Carson moved to amend the resolution by striking out the word "requested" and to insert in lieu thereof the word "required" as far as relates to the Bank of Tennessee.

Said amendment was amended on motion of Mr. Moores by inserting after the word "required" the words "so far as is consistent with her ability."

The amendment offered by Mr. Carson, as amended was then adopted.

Mr. Trott moved further to amend the resolution by striking out the word "requested" and inserting in lieu thereof the word "required," in relation to all the Banks in this State.

Which amendment was rejected.

Mr. Walker of Hickman, thereupon moved that said resolution be indefinitely postponed.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas,

46

Nays,

23

The yeas and noes, No. 175, being called for by Mr. Carson and ordered by the House,

Those who voted in the affirmative are:

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bon^l, Bone, Cherry, Cross of Sullivan, Crouch, Crudup, Dearing, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hodsden, Huddleston, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Nave, Polk, Rawlings, Richardson, Roa h, Rodgers, Scott, Sherrill, Smartt, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wiley.

Those who voted in the negative are,

Messrs. Bobo, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Deavenport, Enbank, Goode, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Moores, Morris, Morrow, Trott, Wheeler, Williams, and Mr. Speaker Barringer.

So said resolution was indefinitely postponed.

Mr. Trott moved that seventy-five copies of the report of the President of the Union Bank at Nashville and the Farmers' and Merchants' Bank at Memphis, be printed for the use of this House.

Which motion was disagreed to by the House.

Mr. Bone, from the Committee on Enrolments, reported as truly enrolled,

An act to incorporate the Young Men's Literary Society at Knoxville

The Speaker of the House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on its third reading,

A bill from the House, No. 8, to repeal the law requiring the sale of real estate to be advertised in news papers, with an amendment thereto, which bill and amendment is herewith transmitted, and the concurrence of the House is therein requested.

The Senate have taken up and concurred in,

A resolution, No. 140, from the House, proposing an adjournment sine die of this General Assembly on the first Monday of January next

Which resolution is herewith transmitted.

The Senate have taken up and passed on its third and last reading.

A bill, No. 142, to extend the corporate limits of the town of Dresden, in the county of Weakley.

Which bill is herewith transmitted, and the concurrence of the House of Representatives in the passage thereof is requested.

The Speaker of the Senate has signed an enrolled bill from the House, entitled, "an act to incorporate the Young Men's Literary Society at Knoxville"

Which enrolled bill is herewith transmitted

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Cheatham, from the Committee on Banks, to which had been referred,

A resolution, No. 136, directory to the President and Directors of the Branch of the Bank of Tennessee, at Athens.

Reported that the committee had had the same under consideration, and had instructed him to report and ask to be discharged from the further consideration thereof, and that it be referred to the Committee on Internal Improvements.

Which report was concurred in by the House.

Ordered that said resolution be referred to the Committee on Internal Improvements.

Mr. Cheatham, from the Committee on Banks, to which had been referred,

A resolution, No. 139, directory to the Bank commissioners, with specific instructions, reported that the committee had had the same under consideration, and had instructed him to report said resolution to the House with an amendment, and the following facts, the committee are informed, that the course pursued by the Bank commissioners at the principal Bank, is to trace the origin of all bad and doubtful debts, thereby showing the time when said bad or doubtful debts were created; the committee are informed that no distinction of party is drawn by the commissioners, but the report of the commissioners will show the creation of the debts, and can easily be traced to the year and the administration of the directory of the Bank.

All of which is respectfully submitted.

RICHARD CHEATHAM, Chairman
of Committee on Banks, on part of the House.

The amendment reported by the committee, was then read as follows:

Resolved, That said commissioners be required to report also, when the Directors of the principal Bank issued the order in accordance with which one hundred and ninety thousand dollars of the funds of the Bank of Tennessee, over and above the nett profits, have been expended without asking the advice of the General Assembly thereupon in paying the liabilities of said institution.

Mr. Brooks moved to amend said resolution by adding to the first resolution the following amendment: "and whether the loss sustained was upon notes or bills, recommended by a Whig Director or a Democratic Director, and the name of the Director recommending the same."

Which amendment was adopted.

Mr. Crudup moved to amend the resolution by striking out the words "Whig" and "Democratic," wherever they occur in the resolution.

Mr. Smart moved that said resolution and amendments be laid on the table.

And the question being taken on agreeing to said motion it was determined in the affirmative,

Yeas

31

Nays

30

The yeas and nays No. 176, being called for by Mr. Holt, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, B'edsoe, Boddie, Bond, Bone

Carson, Cheatham, Cleaveland, Coggin, Crudup, Goodall, Goode, Hamilton, Hodsden, Jourdon, Lenoir, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Smart, Trice, Trimble, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Brooks, Cherry, Cross of Sullivan, Crouch, Deavenport, Dearing, Eubank, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Polk, Sherrill, Trott, Turney, Tyler, Wann, and Wyley.

* So said resolution was laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary to which was referred, a memorial from the Mayor and Alderman of the corporation of Memphis, praying to be authorised to work the runaway slaves committed to the jail of Shelby county, report

That the committee had had the same under consideration, and had instructed him to report that the prayer is reasonable and ought to be granted, and also to report,

A bill, No. 259, to authorize the corporation of Memphis to work runaway slaves committed to to the jail of Shelby county, and recommend the passage of the same.

Said bill was then read a first time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 61, to establish a Chancery Court at Harrison, in the county of Hamilton, reported,

That the committee had had said bill under consideration, and had instructed him to report said bill with an amendment thereto in lieu of the whole bill from the enacting clause, and with said amendment to recommend its passage.

Which amendment was adopted.

Mr. Rodgers moved to amend said bill by adding an additional section thereto, constituting the 3d section, which proposes to establish a chancery court at Smithville, in the county of Dekalb.

Which amendment was adopted.

Said bill as amended was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative.

Yeas
Nays

45
9

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Sullivan, Crudup, Dearing, Eubank, Fisher, Garner, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Moores, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trimble, Tyler, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Hughes, Miller of Hardeman, Milligan, Turney, Walker of Hickman, Williams, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The caption of said bill was then amended so as to include Smithville, in the county of DeKalb.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, No. 103, to amend the act of 1842, chap 34, reported that the committee had had the same under consideration and had instructed him to report said bill with sundry amendments and with said amendments to recommend the passage of said bill.

Which amendments were as follows:

1st. Strike out in the 7th line of the first section, the following words: "county in which such lands are situated," and insert in lieu thereof "State or to parts unknown."

2nd. Strike out in the 24th line in the same section the words "county in which said lands are situated," and insert in lieu thereof "State or parts unknown to said witness."

3rd. Insert after the word "claims" in the 31st line of said section the following words, "either a whole or part thereof agreeably to the bounds of said claims respectively;" also strike out "to" in the same line and insert "of."

4th. Strike out the second section and insert in lieu thereof the following amendment, to wit:

Sect. 2nd. *Be it enacted*, That the Registers of this State may, and they are authorised to issue grants on plots and certificates or duly certified copies of plots and certificates of survey of entries, made upon good and valid warrants to the owner of said plot and certificate, or their assignee or assignees, without the production of the land warrant, provided it is made appear to the Register, that the warrant has been mislaid or destroyed, so that the same cannot be produced, and he be satisfied that said warrant or certificate has not been previously granted or entered on other land.

Which amendments were severally adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative.

Yeas .

64

Nays

0

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Broad, Bone, Brooks, Carson, Cherry, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Cudup, Dearing, Deavenport, Eubank, Fisher, Garner, Glean, Goodall, Goode, Gordon, Hamilton, Holsden, Hord, Houston, Hughes, Humphreys, Kiener, Landerdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Moorman, Nave, Polk, Rawlings, Richardson, Roch, Rodgers, Scott, Sherrill, Smart, Tree, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wylie, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred

A bill, No. 191, to amend the laws of this State regulating the practice in the chancery courts and reducing the expenses of the same,

Reported that the committee had had the same under consideration and had instructed him to report said bill with [an amendment thereto constituting the fifth section to the bill, and with said amendment to recommend the passage of the same.

Which amendment as reported by the committee was adopted.

Said bill as amended was then read a second time and passed.

Mr. Goode asked and obtained leave to withdraw said bill for amendment.

Mr. Morrow, from the Committee on Claims, to which had been referred the petition, No. 16, of John B. Rodgers, praying to have refunded to him two hundred and fifty dollars, reported favorable to the prayer of the petitioner; and reported

A bill, No. 262, to authorize the Comptroller of the Treasury to pay John B. Rodgers the sum specified,

And recommended the passage of the same.

Said bill was read a first time and passed,

Mr. Hodsden introduced

A bill, No. 260, to promote the settlement and improvement of this State by enabling aliens to purchase and hold real estate therein.

Mr. Bledsoe introduced

A bill, No. 264, for the relief of the State of Tennessee.

Which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Bond introduced,

A bill, No. 268, to appropriate eight thousand dollars to the building of two turnpike roads in the county of Haywood across Forked Deer and Hatchie rivers.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

Mr. Brooks introduced,

A bill, No. 261, to restore William Upchurch to the rights of citizenship.

Mr. Scott introduced,

A bill, No. 263, for the benefit of Israel F. Onthorn, former trustee of Weakley county.

Mr. Trimble introduced,

A bill, No. 255, to raise additional revenue and to preserve the public faith and credit.

Mr. Walker of Williamson introduced,

A bill, No. 266, to amend the charter of the Harpeth turnpike company.

Mr. Huddleston introduced,

A bill, No. 267, to incorporate the Livingston and Monroe turnpike company, in Overton county.

Which bills were severally read a first time and passed.

Ordered that 150 copies of bill, No. 265, introduced by Mr. Trimble, be printed for the use of this House.

Mr. Boddie, who had withdrawn for amendment,

A bill, No. 169, to charter a turnpike road from Gallatin to the Astilian Springs and Hartsville, in Sumner county, returned said bill with an amendment thereto in lieu of the whole bill from the enacting House.

Which amendment was read and adopted.

Ordered that said bill as amended be placed on the calendar with bills on their second reading.

On motion of Mr. Fisher,

The House took up,

A resolution, No. 19, directory to the Secretary of State.

Which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Avery,

The House took up,

A bill from the Senate, No. 44, to establish a criminal court in the city of Memphis, in Shelby county.

Said bill was then read a second time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Bond, from the Committee on Enrolments, reported as correctly engrossed,

A bill to authorize the sale of common school lands in the State of Tennessee at the wish of the citizens of the townships where said land may be situated.

Ordered that said engrossed bill be transmitted to the Senate.

Mr. Roach moved that the House take up,

A resolution, No. 129, to expedite the business of the Legislature and bring the session to a speedy close.

And the question being taken on agreeing to said motion it was determined in the affirmative.

Yeas

40

Nays

25

The ayes and nays, No. 179, being called for by Mr. Roach, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bond, Bone, Brooks, Carson, Cheatham, Cross of Madison, Crouch, Dearing, Duggan, Fisher, Goode, Hamilton, Houston, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Richeson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wyatt.

Those who voted in the negative are,

Messrs. Bobo, B. J. Lee, Cherry, Cleveland, Cross of Sullivan, Cuddy, Dearing, D. J. Lee, Gibson, Gilman, Goodall, Gordon, Hodgeson, Hood, Johnson, Jones, Moore, Butler of Hardeman, Miller of Hardeman, May, Mayfield, Smith, and Turney.

So the House agreed to take up said resolution.

Mr. Williams moved to amend said resolution by striking out "Monday, the 4th inst.," and insert in lieu thereof "Wednesday, the 13th inst."

Mr. Goodall moved a division of the question.

And the question being taken first on striking out, it was determined in the affirmative.

The question was then taken on filling the blank with the 13th inst., and decided in the negative.

So the House refused to fill the blank with the 13th inst., as moved by Mr. Williams.

Mr. Williams then moved to fill the blank with Thursday, the 14th instant.

Mr. Goodall moved to fill the blank with Wednesday, the 20th inst. Which latter amendment was adopted.

Said blank was then filled with Wednesday, the 20th inst.

Mr. Nave offered the following amendment to said resolution: "and that said night session be held on Monday, Wednesday, and Friday nights in each week during the remaining part of the present session."

Mr. Goodall moved to amend the amendment offered by Mr. Nave by striking out "Friday," and inserting in lieu thereof "Saturday."

Which amendment was adopted.

Mr. Crudup moved that said resolution and amendment be laid on the table.

And the question being taken on agreeing to said motion it was determined in the negative.

Yeas	20
Nays	47

The ayes and noes, No. 180, being called for by Mr. Brooks, and ordered by the House,

Those who voted in the affirmative are,

Messrs Anderson, Biedsoe, Bobo, Boddie, Cross of Sullivan Crudup, Deavenport, Eubank, Garner, Glenn, Goodall, Hodsden, Houston, Huddleston, Kinney, Marr, Miller of Marshall, Polk, Sherrill, and Turney.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Crouch, Dearing, Duggan, Fisher, Goode, Gordon, Hamilton, Hord, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wiley.

So the House refused to lay said resolution and amendment on the table.

And the question was then taken on the amendment offered by Mr. Nave and was determined in the affirmative.

Yeas	52
Nays	28

The yeas and nays, No. 181, being called for by Mr. Hamilton, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bobo, Boddie, Brooks, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Hodsden, Hord, Houston, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Nave, Polk, Richardson, Rodgers, Scott, Sherrill, Trimble, Turney, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bond, Bone, Burrus, Cheatham, Carson, Cherry, Cleveland, Cross of Madison, Goode, Gordon, Hamilton, Hughes, Humphreys, Lenoir, Moores, Morris, Rawlings, Roach, Trice, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment offered by Mr. Nave as amended was adopted.

Mr. Anderson moved to amend said resolution by striking out all after the word "resolved," and insert the following in lieu thereof, "from and after Tuesday the 12th inst., that this House will meet at 9 o'clock, A. M., and continue in session until $\frac{1}{2}$ past 12 o'clock, and will meet at 2 o'clock, P. M., and continue in session until 6 o'clock, P. M.

Mr. Williams moved to amend said amendment by striking out 6 o'clock, P. M., and inserting 5 o'clock, P. M., and to meet at half past 6 o'clock, P. M., and sit until 9 o'clock, P. M.

And the question being taken on agreeing to said amendment as offered by Mr. Williams and was determined in the negative,

Yeas	28
Nays	39

The yeas and nays No. 182, being called for by Mr. Williams, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Carson, Cheatham, Cross of Madison, Duggan, Goode, Hamilton, Humphreys, Lenoir, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Boddie, Burrus, Cherry, Cleveland, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Roach, Rodgers, Scott, Sherrill, Smart, Turney, Wann, and Wyley.

So said amendment was rejected.

The question was then taken on the amendment offered by Mr. Anderson, and said amendment was adopted.

Said resolution, as amended, was then adopted.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third

A bill, No 105, for the benefit of William McCallister, formerly deputy Sheriff of Lawrence county.

A bill, No. 127, to charter the Sommerville and Memphis, the Lorange and Memphis, and the Shelby county and Mississippi Turnpike company.

A bill, No. 144, to authorize the county court of Marshall county to appropriate certain moneys for expenses in defending a suit for the benefit of said county; and

A bill, No. 155, for the relief of delinquent officers in certain cases.

Which bills are herewith transmitted, and the concurrence of the House of Representatives in the passage thereof is requested.

The Senate have taken up and indefinitely postponed,

A resolution from the House, No. 134, requesting our Senators and Representatives in Congress, to procure the passage of an act of Congress, authorizing the importation of railroad iron free of duty in certain cases.

Which resolution is herewith transmitted.

The Senate have taken up and passed without amendment on its third and last reading,

A bill from the House, No. 134, granting to G. G. Adams, J. L. Rushing, and James Kerr, Jr., a turnpike road in the county of McNairy.

Which is herewith transmitted.

Mr. Lauderdale moved to reconsider the vote of the House taken this morning on the passage of,

A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and Smithville, in the county of DeKalb.

Mr. Bledsoe moved that this House adjourn until $\frac{1}{2}$ past 6 o'clock this evening.

Mr. Polk moved to adjourn until to-morrow morning 9 o'clock.

And the question being taken on agreeing to said motion of Mr. Polk, it was determined in the negative.

Yeas

30

Nays

36

The ayes and nays, No. 183, being called for by Mr. Bond, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Boddie, Burrus, Cherry, Cleaveland, Cross of Sullivan, Crudup, Deavenport, Dearing, Eubank, Garner, Glenn, Goodall, Gordon, Hodsden, Hord, Houston, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Milligan, Nave, Polk, Scott, Sherrill, Smart, and Turney.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cheatham, Cross of Madison, Crouch, Fisher, Goode, Hamilton, Hughes, Humphreys, Lenoir, Miller of Marshall, Moores, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said motion to adjourn as moved by Mr. Polk, was disagreed to by the House.

The question was then taken on adjourning as motioned, and was determined in the affirmative.

Yeas	53
Nays	15

The yeas and nays, No. 184, being called for by Mr. Morris, are ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crouch, Crudup, Duggan, Eubank, Fisher, Goodall, Goode, Hamilton, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smith, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williams, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Cherry, Cross of Sullivan, Deavenport, Deering, Garner, Glenn, Gordon, Hodsdon, Huddleston, Marr, Miller, Hardeman, Miller of Marshall, Polk, and Turney.

So said motion of Mr. Bledsoe, to adjourn until $\frac{1}{2}$ past 6 o'clock this evening, was agreed to.

The House then adjourned until $\frac{1}{2}$ past 6 o'clock, P. M.

NIGHT SESSION.

The House met pursuant to adjournment.

On motion of Mr. Glenn,

The House took up,

Bills on their second reading.

The House took up,

A bill, No. 155, to abolish the office of Geologist.

Mr. Walker of Williamson moved that said bill be indefinitely postponed.

And the question being taken on agreeing to said motion,

It was determined in the negative.

Yeas	29
Nays	38

The yeas and noes, No. 185, being called for by Mr. Polk, are ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Bond, Bone, Cheatham, Cross of Madison, Duggan, Goode, Gordon, Hamilton, Hodsdon, Houston, Humphreys, Lenoir, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Brooks, Carson, Cherry, Cleveland, Coggins, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Hord, Houston, "

delston, Kinney, Lauderdale, McGinnis, Miller of Marshall, Miluga, Moores, Morris, Nave, Polk, Scott, Sherrill, Smart, Trott, Turney, Wann, Wheeler, and Wyley.

So the House refused the indefinite postponement of said bill.

Mr. Farquharson moved to amend said bill by striking out all from the enacting clause, and insert in lieu thereof the words, "that Dr. Gerard Troost, the present Geologist, Mineralogist, and Assayer of the State shall be continued in office for the period of two years after his present term of service, as defined by the act passed 29th January, 1840, and 5th February, 1842 shall have expired, and he shall receive salary payable in the same manner, and the same duties be required of him as heretofore."

Mr. Bond moved that said bill and amendment be laid on the table.

And the question being taken on agreeing to said motion,

It was determined in the negative.

Yeas,	24
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Nays,	44
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The yeas and nays, No. 186, being called for by Mr. Scott, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bobo, Beddie, Bond, Bone, Burrus, Carson, Cheatham, Cross of Madison, Farquharson, Goode, Hamilton, Hodsden, Humphreys, Milligan, Moores, Morris, Morrow, Polk, Rawlings, Rodgers, Trimble, and Tyler.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Brooks, Cherry, Cleaveland, Coggia, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Nave, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trott, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to lay said bill and amendment on the table.

Mr. Miller of Marshall offered the following amendment in lieu of the amendment offered by Mr. Farquharson:

"That from and after the expiration of the present term of service of the Geologist of the State of Tennessee, no salary shall be affixed to said office."

And the question being taken on said amendment,

It was determined in the negative.

Yeas	24
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Nays	45
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The yeas and nays, No. 187, being called for by Mr. Glenn, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Fisher, Huddleston, Hughes, Lauderdale, Lenoir, Miller of Marshall, Polk, Richardson, Roach, Scott, Sherrill, Smart, Trott, Turner, and Wann.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Coggin, Deavenport, Dearing, Eubank, Farquharson, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Kinney, McGinnis, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Rodgers, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Crudup moved to fill the blank in Mr. Farquharson's amendment with eight hundred dollars.

And the question being taken on filling said blank as moved by Mr. Crudup, and was determined in the negative.

Yeas

2

Nays

67

The ayes and nays, No. 188, being called for by Mr. Sherrill, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Deavenport and Turner.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to fill the blank with eight hundred dollars, as moved by Mr. Crudup.

The question was then taken on the amendment offered by Mr. Farquharson in lieu of the whole bill from the enacting clause and was determined in the affirmative,

Yeas

35

Nays

34

The ayes and nays, No. 189, being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Carson, Cheatham, Cross of Madison, Duggan, Farquharson, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Miller of Marshall, Milligan, Moores, Morris, Polk, Rawlings, Richardson, Rodgers, Trimble, Turner, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Brooks, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Fisher, Garner, Glenn, Goodall, Huddleston, Kinney, Lauderdale, Lenoir, McGinnis, Morrow, Nave, Roach, Scott, Sherrill, Smart, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Said amendment was adopted.

Mr. Bond moved that said bill be referred to the Committee on Education and Common Schools.

And the question being then taken on agreeing to said motion, it was determined in the negative.

Yeas,	24
Nays,	44

The yeas and nays, No. 190, being called for by Mr. Glenn, and ordered House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Burrus, Carson, Cheatham, Cross of Madison, Farquharson, Goode, Gordon, Hamilton, Hodsden, Houston, Humphreys, Milligan, Moores, Morris, Rawlings, Richardson, Rodgers, Trimble and Tyler.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Brooks, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Garner, Glenn, Goodall, Hord, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Morrow, Nave, Polk, Roach, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to refer said bill as moved by Mr. Bond.

Said bill, as amended, was then read a second time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative.

Yeas,	35
Nays,	33

The yeas and nays, No. 191, being called for by Mr. Black, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Bond, Bone, Burrus, Carson, Cheatham, Cross of Madison, Deavenport, Farquharson, Fisher, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Lauderdale, Milligan, Moores, Morris, Polk, Rawlings, Rodgers, Trimble, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Boddie, Brooks, Cleveland, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Eubank, Garner, Goodall, Huddleston, Kinney, Lenoir, McGinnis, Miller of Marshall, Morrow, Nave, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wan, Wheeler, and Wyley.

So said bill passed on its second reading, in this House.

The House took up

A bill, No. 156, to increase the jurisdiction of justices of the peace.

Mr. Moores offered an amendment to said bill, which is as follows:

Sec. 2. *Be it enacted*, That a justice of the peace shall also have

jurisdiction, by motion, in favor of an endorser or assignor, when money is paid by said endorser or assignor, the amount of \$200, against the principal and principals in the debt.

And the question being taken on agreeing to said amendment, was was determined in the affirmative.

Yeas

58

Nays

9

The yeas and nays No. 192, being called for by Mr. Glenn, are ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Eoddie, Bone, Brooks, Barrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinn, Miller of Marshall, Milligan, Monies, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Cross of Madison, Fairquharson, Glenn, Good, Holsden, Trimble, Tyler, and Walker of Williamson.

So said amendment was adopted.

Said bill, as amended, was then read a second time and passed.

Mr. Polk moved an adjournment until to morrow morning, o'clock.

Which motion was disagreed to by the House.

The House took up

A resolution, No. 127, authorising the Treasurer of the State, receive State bonds from the Treasurer of the Clarksville and Russellville turnpike Company.

Which was read a second time and passed.

The House took up the following bills:

A bill, No. 157, to change the line between Bedford and Rutledge counties; and

A bill, No. 159, to restore Samuel Wellford, of the county of Rutledge, to the privileges of citizenship.

Which bills were severally read a second time and passed.

The House took up the following bills:

A bill, No. 160 to secure more effectually the payment of the tax on capital used in shaving notes; and

A bill, No. 161, to reduce the number of Judges of the circuit court.

Which bills were severally read a second time and passed.

Mr. Glenn moved a reconsideration of the vote of the House just taken on the passage of a bill, No. 161.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas

39

Nays

27

The ayes and noes, 193, being called for by Mr. Wyley, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Carson, Cheatham, Cleaveland, Cross of Madison, Crouch, Deavenport, Dearing, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Hord, Houston, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Milligar, Miller of Marshall, Moores, Morrow, Nave, Scott, Sherrill, Turner, Turney, Wann, Wheeler, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Bobo, Bond, Bone, Brooks, Burrus, Coggin, Cross of Sullivan, Goodall, Goode, Gordon, Hamilton, Hodsdon, Huddleston, Hughes, Morris, Polk, Rawlings, Richardson, Roach, Rodge, Smart, Trimble, Trott, Tyler, Walker of Hickman, Walker of Williamson, and Mr. Speaker Barringer.

So the House agreed to reconsider said vote of the House.

Mr. Richardson then moved that said bill be laid on the table.

Which motion was agreed to by the House.

The House took up

A bill, No. 162, fixing the times of holding general musters in 14th Brigade.

Mr. Miller of Marshall moved to amend the bill, by adding thereto the following amendment, to wit:

And that 14th regiment of Marshall county, the Second Saturday October in each year.

Which amendment was adopted.

Said bill as amended was then read a second time and passed.

On motion of Mr. Brooks.

Ordered that said bill be referred to the Committee on Military Affairs.

On motion of Mr. Nave,

The House adjourned until to morrow morning, 9 o'clock.

WEDNESDAY, DECEMBER 13, 1843.

The House met pursuant to adjournment.

Mr. Milligan presented a memorial, No. 151, from sundry citizens of Greene county, praying that the commissioners appointed to clear out Lick Creek, in Greene county, be required to expend the money appropriated to said creek, between the mouth of the creek and Pegu mill.

Which was read and referred to the Committee on Internal Improvements.

Mr. Turney presented a petition, No. 152, from Samuel Wilson, praying for Legislative relief.

Which was read and referred to the Committee on Claims.

Mr. Morris presented a petition No. 153, from sundry citizens of Wayne and Lawrence counties, praying the Legislature to authorise D Voorhies to peddle clocks, without paying any tax therefor.

Which was read and referred to the Committee on the Judiciary.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred:

A bill, No. 239, to restore Levi Hosea to citizenship, accompanied with a petition, No. 234, from sundry citizens of Washington county;

Reported said bill without amendment, and recommend its passage.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred:

A bill, No. 230, to amend the pauper law,

Reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and recommend its passage.

Mr. Miller of Hardeman moved to amend said bill, by striking out all after the enacting clause, and insert in lieu thereof the following amendment: "That no healthy, able bodied man, under fifty years of age, shall be permitted to prosecute a suit under the provisions of the pauper laws of this State."

Mr. Brooks moved to lay said bill and amendment on the table.

Which motion was rejected.

Mr. Coggin moved that said bill and amendment be indefinitely postponed.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas

38

Nays

29

The ayes and nays, No 194, being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Boddie, Brooks, Burrus, Cherry, Coggin, Cross of Madison, Deavenport, Deating, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Huddleston, Humphreys, Lauderdale, McGinnis, Marr, Miller of Marshall, Moores, Morris, Morrow, Richardson, Roach, Scott, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Bone, Carson, Cheatham, Cleveland, Cross of Sullivan, Crouch, Crudup, Goode, Hamilton, Hord, Hodsdon, Houston, Hughes, Jourdan, Kinney, Lenoir, Miller of Hardeman, Milligan, Moorman, Nave, Rawlings, Rodgers, Trice, Trimble, Turner, Tyler, Wann, and Williams.

So said bill and amendment was indefinitely postponed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred,

A bill, from the Senate, No. 44, to establish a criminal court in the city of Memphis, in Shelby county, reported that the committee had had the same under consideration and had instructed him to report said bill with an amendment thereto which proposes to strike out the 15th section of the bill, and with said amendment to recommend the passage thereof.

Which amendment was adopted.

Mr. Alexander moved to amend said bill by adding a proviso to the 14th section of said bill.

Which proviso is as follows :

"Provided nevertheless that nothing in the aforesaid act contained shall be so construed as to give the said criminal court jurisdiction beyond the limits of the said civil district or districts as aforesaid, and that all expenses incident to the establishment of said court be borne by the inhabitants of said civil district or districts, and not by any other person or persons whatsoever."

Said bill was then read a second time as amended and passed.

On motion of Mr. Alexander,

Ordered that said bill be recommitted to the Committee on the Judiciary

Mr. Bond, from the Committee on Enrolments, reported as correctly engrossed,

A bill, No. 103, to amend the act of 1842, chap. 34.

Mr. Bond, from the Committee on Enrolments, reported as truly enrolled,

An act granting to G. G. Adams, J. L. Rushing, and James Kerr, jr. a turnpike road in the county of McNairy.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred,

A resolution, No. 135, directory to the Committee on Internal Improvement to define the compensation to road directors, reported that the committee had had the same under consideration and had instructed him to report that the compensation so far as they are informed, is fixed by the directors on the part of the State, and of the stockholders, and the committee see no reason for passing any law on the subject and ask to be discharged from the further consideration thereof.

Which report was concurred in by the House.

Mr. Richardson, from the same committee, to which had been referred,

A bill, No. 201, to change the appropriation heretofore made to the Little Tennessee river, and apply the same to the Tullahoma river, in the county of Monroe, reported said bill without amendment, and recommended the rejection of the same.

Mr. Humphreys moved a nonconcurrence with the report of the committee.

Said bill was then read a second time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled bill from the House entitled:

An act granting to G. G. Adams, J. L. Rushing, and James Kerr, jr. a turnpike road in the county of McNairy, which is herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr. Rodgers, from the Committee on Military Affairs, to which had been referred:

A bill, No. 208, to form a new regiment in Rutherford county, reported said bill without amendment and recommended its passage.

Said bill was then read a second time and passed.

Mr. Rodgers, from the same committee, to which had been referred

A bill, No. 162, fixing the times of holding general musters in the 8th brigade, reported said bill without amendment and recommend the passage of the same.

Said bill was read a third time and passed.

Ordered that the same be engrossed and transmitted to the Senate.

Mr. Hodsden, from the select committee on the Nashville Dam and Lock Company, to which had been referred:

A bill, No. 249, to incorporate the Nashville Dam and Lock Company, submitted the following report:

Report said bill with an amendment and recommend its passage.

The committee further state that they will be prepared in a few days to offer a report more in detail respecting the advantages proposed in the bill.

The amendment as reported was as follows:

Strike out after the word "subscribers" in the fourth line in the fifth section, the following words: "deducting prorata according to the amount of stock subscribed by each individual stockholder."

Said bill was then read as amended, a second time and passed.

On motion of Mr. Wyley,

The House took up a petition, No. 38, of Allen Pressons, sheriff of Benton county, praying the Legislature to refund to him \$75 for sundry reasons therein set forth.

Ordered that said petition be referred to the Committee on Finance.

Mr. Marr introduced

A bill, No. 269, to adjust the boundary line between this State and the State of Kentucky.

Mr. Dearing introduced

A bill, No. 270, to prohibit the building of dams or causeways across certain streams.

Mr. Lenoir introduced

A bill, No. 271, for the benefit of owners of public mills.

Mr. Moores introduced

A bill, No. 272, providing for but one door keeper to the House of Representatives.

Which bills were severally read a first time and passed.

Mr. Goode, who had withdrawn for amendment,

A bill, No. 191, to amend the laws of this State regulating the practice in the chancery courts, and reducing the expenses of the same.

Returned said bill with the following amendment:

"Add to the end of the 7th line in the 2d section the following: "and the officer serving the subpoena shall endorse upon it the name of the person in his county to whom such copy is delivered."

Which amendment was adopted.

Mr. Goode asked and obtained leave to withdraw said bill for amendment.

The House then adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred, a petition, No. 120, to establish the county line between Robertson and Sumner counties, reported that the committee had had the same under consideration and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted, and also to report,

A bill, No. 273, to establish the line dividing Sumner and Robertson counties.

Said bill was then read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and concurred in,

A resolution from the House, No. 99, directory to the Secretary of State.

Which resolution is herewith transmitted.

The Senate have taken up and passed on their third readings the following bills:

A bill, No. 82, to regulate the cost in civil suits.

A bill, No. 85, giving further relief to married people in obtaining divorces; and

A bill, No. 149, to declare the speaking of certain words actionable.

Which bills are herewith transmitted and the concurrence of the House of Representatives in the passage thereof is requested.

Mr. Farquharson submitted the following resolution, No. 141:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee be appointed to consist of two members on the part of the Senate and three on the part of the House of Representatives, whose duty it shall be to investigate the affairs of the several Internal Improvement companies in the Middle Division of Tennessee, in which the State is a stockholder. That said committee inquire and report:

1st. The actual cost of roads, in which the State owns stock.

2nd. The amount paid in by individual stockholders, and the amount paid in by the State.

3rd. The whole amount of revenue collected from each road, and how the same has been appropriated.

4th. To inquire what companies have been organised, and drawn bonds of the State.

5th. What progress, if any, has been made in the construction of said roads.

6th. What amount of bonds, and to what companies issued, since the act passed January 25th, 1840.

And in order that the committee may report to the present session of General Assembly,

Resolved, That the committee have power to summons and cause the attendance of witnesses, and take proof under oath of such persons as they may deem most likely to possess correct information.

Which resolution was read, and the 59th rule of the House being suspended, said resolution was adopted.

Thereupon the Speaker appointed Messrs. Farquharson, Tyler, and Williams, to be of said committee on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Brooks introduced

A bill, No. 274, to authorize Frederic H. Stump, Danniell Young, and Micajah H. Wilkerson of Davidson county, to open a turnpike road.

Which bill was read a first time and passed by its title.

Ordered that said bill be referred to the Committee on Internal Improvements.

On motion of Mr. Trott,

The House took up and considered the motion moved by Mr. Scott on the 6th inst., to reconsider the vote of the House on that day rejecting,

A bill, No. 24, to restore the rights of freemen, and for other purposes.

And the question ingce taken on agreeing to said motion, to reconsider said vote of the House, it was determined in the affirmative.

Yeas	43
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Nays	26
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The ayes and noes No. 195, being called for by Mr. Gordon, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Brooks, Burrus, Cleaveland, Coggin, Cross of madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Duggan, Eubank, Farquharson, Garner Goodall, Hamilton, Hodsdon, Houston, Hughes, Jordan, Kinney, Lauderdale, Lenoir, McGinnis, marr, milligan, Nave, Richardson, Rodgers, Smart, Sherrill, Trice, Trott, Williams, Wyley, and Mr. Speaker Baringer.

Those who voted in the negative are,

Messrs. Boddie, Bond, Bone, Carson, Cheatham, Cherry, Crouch, Fisher, Gordon, Miller of Hardeman, Miller of marshall, moores, Morrow, moorman, Polk, Rawlings, Roach, Redgers, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wheeler.

So the House agreed to reconsider said vote of the House.

Mr. Williams moved that said bill be referred to a select committee of three members.

Which motion was agreed to by the House.

On motion of Mr. Farquharson,

Ordered that the Speaker of this House be added to said committee.

And thereupon the Speaker announced to the House the appointment of messrs. Williams, Farquharson, and Edwards, to compose said committee.

Mr. Hord introduced,

A bill, No. 275, to increase the revenue of this State.

Which was read a first time and passed.

Ordered that said bill be referred to the select committee on bill No. 24.

On motion of Mr. Polk,

Ordered that Mr. Hord be added to said committee.

With the leave of the House,

Mr. Coggin offered an amendment in lieu of bill No. 24.

Ordered that said amendment be referred to the select Committee on bill No. 24.

On motion of Mr. Black,

Ordered that all bills, resolutions, &c., on the subject of retailing spirituous liquors be referred to the said Select Committee.

Mr. Bond, from the Committee on Enrolments, reported as correctly engrossed,

A bill, No. 162, fixing the times of holding general musters in the 8th brigade.

Ordered that said bill be transmitted to the Senate.

On motion of Mr. Anderson,

The House took up bills on their third reading.

The House took up

A bill, No. 64, to amend an act passed January 26th, 1842, chap. 58, for the benefit of orphans.

Mr. Lenoir's amendment heretofore submitted in lieu of the whole bill being under consideration,

Said amendment was then read and adopted.

Said bill as amended was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

Yeas

64

Nays

5

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cherry, Eubank, Miller of Hardeman, Walker of Hickman, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed, and transmitted to the Senate.

On motion of Mr. Hodsden,

The House took up

A bill, No. 80, for the relief of the heirs of Thomas Maxwell, deceased, of Blount county.

Ordered that said bill be placed on the calendar, amongst the bills on their third reading.

The House took up

A bill, No 66, to appoint commissioners of the Bean's Station turnpike road, and for other purposes.

The amendments heretofore offered by Mr. Houston, to said bill, being under consideration.

The amendment to the first section of the bill, was then taken up, and read as follows:

Strike out all of the first section, after the word "the" in the fourth line, and insert in lieu thereof the words "end of the next regular session of the General Assembly of this State."

Said amendment was thereupon adopted.

The second amendment offered by Mr. Houston, was then taken up, and read as follows:

Strike out the second section of the bill, and insert in lieu thereof the following amendment:

Sec. 2. *Be it enacted*, That the county courts of Grainger and Claiborne counties, a majority of the acting justices of the peace being present at their respective court houses, shall hereafter have the power to elect the three commissioners for the Bean's Station turnpike road, the first election by the counties shall take place on the first Monday in January, 1846. The mode and manner in which those commissioners are to be elected hereafter by the county courts of Grainger and Claiborne, two of them from one county, and one from the other, alternately, and the said commissioners shall be elected for two years and no longer.

Mr. Cleaveland moved to amend the second section of the bill, by striking out all of said section after the word "shall" in the second line, and inserting in lieu thereof the following amendment:

"On the 1st Monday in January, 1846, and every two years thereafter, a majority or nine justices being present, proceed to elect commissioners for said road, who shall serve two years; and in case of vacancy, the court of the county in which such vacancy may happen, shall at the first term after such vacancy occurs, fill said vacancy."

Which amendment was adopted.

Mr. Houston moved that the bill and amendments be referred to the Committee on Internal Improvements.

Which motion was disagreed to by the House.

The question then recurred on Mr. Houston's amendment, in lieu in lieu of the second section of the bill.

Mr. Cleaveland called for a division of the question.

Whereupon the question was taken on striking out the section of the bill as moved by Mr. Houston, and was determined in the negative.

Yeas

34

Nays

35

The yeas and nays, No. 196, being called for by Mr. Houston, and agreed by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Lenoir, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

So the House refused to strike out.

Mr. Hodsdon then moved to strike out the third section of the bill.

Which was disagreed to by the House.

Mr. Cleaveland then moved to amend the bill by adding thereto an amendment constituting the 4th section of the bill, which proposes that said commissioners if they deem it expedient may apply the tolls received on the road to the building of a bridge across Powell river at any point they may see fit or change the road; said bridge to be a free bridge so soon as the tolls shall have been sufficient to pay for the building of said bridge.

And the question being taken on agreeing to said amendment, it was determined in the affirmative,

Yeas	38
Nays	31

The yeas and nays, No. 184, being called for by Mr. Houston, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Bone, Brooks, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Hord, Jourdan, Kinney, Lenoir, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bond, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Houston, Hughes, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said amendment was adopted.

Said bill as amended was then read a third time,

And the question being taken, "shall the bill pass?" it was determined in the affirmative.

So said bill passed on its third and last reading and was ordered to be engrossed and transmitted to the Senate.

The House took up,

A bill, No. 69, more effectually to secure the common school fund.
Mr. Richardson moved to lay said bill on the table.

Which motion was disagreed to by the House.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

Yeas

52

Nays

16

Those who voted in the affirmative are,

Messrs. Alexander, Black, Bledsoe, Bond, Burrus, Carson, Cheatham, Cherry, Coggin, Cross of Madison, Crouch, Dearing, Duggan, Eubank, Farquharson, Fisher, Goode, Gordon, Hamilton, Hodsdon, Houston, Hughes, Jourdan, Kinney, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trimble, Trott, Turner, Turney, Tyler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Bobo, Boddie, Bone, Brooks, Cleveland, Cross of Sullivan, Crudup, Deavenport, Lauderdale, Sherrill, Walker of Hickman, Walker of Williamson, Wann, and Wheeler.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Goodall moved a reconsideration of the vote of the House on yesterday, adopting,

A resolution, No. fixing the time of the meetings and adjournments of the House.

And the question being taken on agreeing to said motion, to reconsider said vote of the House; it was determined in the negative.

Yeas

13

Nays

52

The ayes and noes No. 199, being called for by Mr. Williams and ordered by the House,

Those who voted in the affirmative are;

Messrs. Alexander, Bobo, Bone, Farquharson, Hodsdon, Jourdan, Marr, Miller of Hardeman, Moorman, Rodgers, Sherrill, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Scott, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Wyley.

So the House refused to reconsider said vote, as moved by Mr. Goodall.

The House took up,

A bill, No. 71, for the relief of James Berry and others.

Mr. Brooks offered the following amendment :

"Provided, That the commissioners shall not be paid for more than fourteen days service, and that out of two hundred thousand dollars appropriated at the session of 1841—2 "

Mr. Coggin moved to amend said bill by the following amendment :

"Provided the amount paid out so audited shall be paid out of the nett proceeds arising from the Independent Bank hereafter to be established at Knoxville."

Pending the discussion on said amendment, the House adjourned.

THURSDAY, DECEMBER 14th, 1843.

The House met pursuant to adjournment.

Mr. Williams present the petition, No. 154, of sundry citizens of Knox county, praying the establishment of an Independent Bank in East Tennessee.

Ordered that said petition be laid on the table.

Mr. Cheatham presented the petition, No. 155, of 236 citizens of Robertson county, praying the establishment of a chancery court at Springfield, in Robertson county.

Ordered that said petition be laid on the table.

Mr. Trice presented the petition, No. 156, of sundry citizens of McNairy county, praying the Legislature to authorize John W. Burkhead to hawk and peddle without license.

Which was read and ordered to be transmitted to the Senate.

On motion of Mr. Morrow,

The House took up,

A petition from the Senate, No. 97, of sundry citizens of Hamilton county, praying that the 11th civil district of said county may be attached to Rhea county.

Ordered that said petition be referred to the Committee on New Counties and County Lines.

Mr. Bond, from the Committee on Enrollments,

Reported as correctly engrossed, the following bills and resol

A bill, No. 64, to amend an act passed January 26th, 1842, 5S, for the benefit of orphans.

A bill, No. 66, for providing for the appointment of commissioners of the Bean's Station-turnpike road, and for other purposes; and

A bill, No. 69, more effectually to secure the common school fund; also,

A resolution, No. 141, proposing the appointment of a Joint Select Committee on Internal Improvement Companies in Middle Tennessee, in which the State is a stockholder.

Mr. Bond, from the same committee, reported as truly enrolled,

A resolution, No. 99, directory to the Secretary of State.

The Speaker of the House thereupon signed said enrolled resolution.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof,

A message from the Senate, by Mr. Corke, their clerk:

MR. SPEAKER: The Senate have received and read the following petitions:

The memorial of William Lindsey, and 64 citizens of Campbell county praying that said William Lindsey be permitted to pay the interest on \$1200 in the Bank at Rogersville for five years, and that said Bank advance to him \$2000, and take a mortgage on 3000 acres of land; and

The petition, No. 100, of Elijah Hurst.

Which petitions are herewith transmitted.

The Senate have taken up and considered,

A bill from the House, No. 79, to annex a portion of the South east corner of Williamson county, to the county of Rutherford.

Which bill they have passed upon its third and last reading with an amendment, and is herewith transmitted, and the concurrence of the House of Representatives therein requested.

Mr. Hord introduced,

A bill, No. 276, to amend the revenue laws.

Mr. Moores introduced,

A bill, No. 277, to establish permanently the boundary line between Smith and Macon counties.

Mr. Houston introduced,

A bill, No. 278, to amend an act, entitled "an act to incorporate the town of Tazewell, in the county of Claiborne, passed 1st November, 1843 and for other purposes."

Mr. Lenoir introduced,

A bill, No. 279, giving further time for the completion of the Hiwassee railroad.

Which bills were severally read a first time and passed.

Mr. Crudup introduced,

A bill, No. 280, amendatory to the revenue laws, and providing for the taking of officers' bonds.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Defaulters.

Mr. Richardson introduced,

A bill, No. 281, to amend the charter of the Jefferson Turnpike.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

Mr. Alexander introduced,

A bill, No. 282, for the relief of Hugh McAulder and George G. Halloway.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Claims.

Mr. Bond introduced,

A bill, No. 283, to authorize the Treasurer and officers of the Bank of Tennessee to draw upon each other.

Which bill was read a first time and passed.

Ordered that said bill be referred to the committee upon revenue bill, No. 265.

Mr. Morrow asked and obtained leave to withdraw for amendment, A bill, No. 278, to amend an act entitled, "an act to incorporate the town of Tazewell, in the county of Claiborne, passed 1st Nov., 1843, and for other purposes."

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been recommitted,

A bill from the Senate, No. 41, to establish a criminal court in the city of Memphis, in Shelby county,

Reported said bill with an amendment thereto, and with said amendment to recommend the passage thereof.

The amendments of the committee are as follows:

First. Strike out the 11th section to the proviso and also all after the word "any court" in the eighth line of the said section and insert the following amendment: "That the Judge of said criminal court and the Judge of the criminal court of Davidson county may practice in the several courts of law and equity of this State as attorney and counsellor in civil cases."

Second amendment in lieu of the amendment offered by Mr. Alexander as a proviso to the 13th section, which is as follows:

"And provided further, That nothing in this act shall be so construed to give said criminal court jurisdiction beyond the limits of the said civil districts including Memphis and Fort Pickering, and all expenses of providing a house or place to hold said court, shall be born and paid by the corporation of Memphis, and the expenses of jurors in said court shall be paid out of the fines and forfeitures arising in said court in cases of misdemeanors."

Which amendments were severally adopted.

Mr. Trott offered the following amendment as an additional proviso to the bill:

"And provided further, That the salaries of the Judges of the chancery and circuit courts elected at this session and those hereafter to be elected, shall be reduced to thirteen hundred dollars."

And the question being taken on agreeing to said amendment it was determined in the negative,

Yeas,	27
Nays,	44

The ayes and nays, No. 201, being called for by Mr. Trott and ordered by the House,

Those who voted in the affirmative are,

Messrs. Brooks, Carson, Cherry, Cleveland, Cross of Sullivan, Dearing, Duggan, Eubank, Garner, Goodall, Gordon, Hord, Humphreys, Jourdan, Lauderdale, McGinnis, Miller of Marshall, Nave, Polk, Scott, Smart, Trott, Turney, Walker of Hickman, and Wiley.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cross of Madison, Crudup, Deavenport, Fisher, Goode, Hamilton, Hodsdon, Houston, Hughes, Kinney, Lenoir, Marr, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Warr, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

Said bill as amended was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative.

Yeas

56

Nays

14

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bone, Bond, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Deavenport, Duggan, Eubank, Fisher, Goodall, Goode, Gordon, Hamilton, Hodsden, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Moorman, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Brooks, Cherry, Cross of Sullivan, Crouch, Dearing, Garner, Herd, Jourdan, Smart, Trimble, Trott, Turney, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

The title of said bill was then amended.

Ordered that the clerk acquaint the Senate therewith.

Mr. Turner, who had withdrawn for amendment,

A bill, No. 158, to amend the act of 1806, chapter I, section 21, prescribing the manner of processioning land,

Returned the same.

Mr. Lenoir moved to amend said bill by adding after the section an additional section, constituting the 3d section of the bill—which amendment is as follows:

"Sec. 3. *Be it enacted*, That owners of lands of the Hiwassee District having their grants or deeds registered in the land office at Athens, and owners of lands in the Ocoee District, having their grants or deeds registered in the land office at Cleveland, may have their lands processioned although the grants or deeds may not be registered in the county where the land is situated"—and also to amend the 4th section of the bill by adding after the word "law" in the first line, the following: "Requiring land to be twice processioned and."

Which amendments were severally adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative.

Yeas,

78

Nays,

11

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Herd, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir,

Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moor-
 ran, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Rodgers,
 Sherrill, Smart, Trice, Trimble, Troit, Turner, Tunney, Tyler, Wice-
 er, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Black, Brooks, Eubank, Hodsdon, McGinnis, Marr, Mau-
 ry, Scott, Walker of Hickman, Wan, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in this House and
 was ordered to be engrossed and transmitted to the Senate.

Mr. Anderson submitted the following preamble and resolution, No.
 142:

Whereas, It is highly conducive to the security and prosperity of our
 free institutions—to the happiness of the freemen of our Republican
 union—to the maintenance, comfort and support of their families, and
 to the education of their children, that every citizen should be the
 owner of the soil, which in peace he cultivates and in war he is called
 on to defend—therefore for the purpose of preserving the public lib-
 erty and to secure the enjoyment of individual happiness and comfort
 to the people,

Resolved by the General Assembly of the State of Tennessee, That
 our Senators in Congress be instructed, and our Representatives in Con-
 gress be requested to use their best exertions in the passage of a law
 providing for the still further reduction of the price of the public lands
 and for extending and enlarging the preemption and preference rights
 to the enterprising men who emigrate to, and settle on the public lands.

Which was read and laid on the table.

Mr. Kinney submitted the following resolution, No. 143:

Resolved by the General Assembly of the State of Tennessee, That
 the Treasurer of the State report to the General Assembly whether
 the Treasurer of East Tennessee complied with the act of Assembly
 of December 19th, 1831, entitled "an act for the relief of Lewis Ross,"
 and if not, the reason why said act was not complied with.

Which was read, and the 59th rule of the House being suspended,
 said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Bond,

Ordered that a bill, No. 265, to raise additional revenue and preserve
 the public faith and credit, be referred to a Select Committee on Reve-
 nue, to be composed of nine members.

The Speaker thereupon announced to the House the appointment of
 Messrs. Boddie, Cheatham, Miller of Hardeman, Walker of William-
 son, Kinney, Goode, Hodsdon, Trimble, and Scott, to compose the Se-
 lect Committee on Revenue.

Mr. Kinney presented

A petition, No. 157, from sundry citizens of the county of Wash-
 ington, praying the establishment of an Independent Bank in East Ten-
 nessee.

Ordered that said petition be transmitted to the Senate.

On motion of Mr. Williams,

Ordered that the petition, No. 154, of sundry citizens of Knox coun-

ty praying the establishment of an Independent Bank in East Tennessee, be transmitted to the Senate.

On motion of Mr. Trimble,

Ordered that bill, No. 249, to incorporate the Nashville Dam and Lock Company, be re-committed to the Select Committee on that subject, with specific instructions, and that Mr. Boddie be added to said committee.

On motion of Mr. Crudup,

The House took up bills on their third reading.

The House took up

A bill, No 71, for the relief of James Berry and others, the amendment offered by Mr. Coggin being under consideration when the House adjourned last evening

Said amendment was rejected.

The question then recurred to the amendment offered by Mr. Brooks.

Mr. Williams moved to strike out all after the words "fourteen days services."

Which was agreed to by the House.

Said amendment as amended was then adopted.

Mr. Trott moved to amend said bill by adding the following proviso: Provided that the commissioners shall be paid by the stockholders.

Mr. Morrow moved the previous question.

Which being seconded by a majority of all the members present.

And the question being taken "shall the main question be now put?" it was determined in the affirmative.

Yeas	43
Nays	25

The ayes and noes, No. 203, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bedsoe, Bobo, Bond, Bone, Brooks, Burnus, Carson, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Fisher, Hedsden, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trace, Trimble, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Cheatham, Cherry, Cross of Sullivan, Deavenport, Eubank, Farquharson, Garner, Goodell, Goode, Gordon, Hamilton, Hord, Houston, McGinnis, Miller of Marshall, Milhgan, Moorman, Polk, Scott, Frott, Turner, Tyler, Williams, and Wyley.

So the House determined that the main question should be now put.

Said bill as amended was then read a third time.

And the question being taken "shall said bill pass?" it was determined in the negative.

Yeas	25
Nays	45

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bond, Brooks, Carson, Dugan, Garner, Hodsdon, Hord, Houston, Hughes, Humphreys, Jordon, Lauderdale, Lenor, Moorman, Morris, Morrow, Rawlings, Trimble, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Bone, Burrus, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Cronch, Crudup, Deavenport, Dearing, Eubank, Farquharson, Fisher, Goodall, Goode, Gordon, Hamilton, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, and Wyley.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Morrow,

The House took up,

A motion made by Mr. Lauderdale on the 12th inst., to reconsider the vote of the House taken on that day on the passage of a bill, No. 61, to establish a chance y court at Harrison, in the county of Hamilton, and at Smithville, in the county of De Kalb.

And the question being taken on agreeing to said motion it was determined in the negative.

So the House refused to reconsider the vote of the House as moved by Mr. Lauderdale.

The House took up,

A bill, No. 73, for the relief of the convicts in the Penitentiary.

Mr. Polk moved to amend the bill by adding to the first section the following amendment: "that the proceeds of the labor of each department over and above the actual expenses of said department after deducting the contingent expenses of the institution be and the Comptroller is hereby directed annually to apply prorata to the use and support of the families of each convict laboring in such department;" and also to amend the bill by adding the following as an additional section:

Sec 2. *Be it enacted*, That the Comptroller, for the purpose of effecting an equal division of such excess of the labor to the families of said convicts, is hereby required annually to pay over to the several sheriffs of the counties in which said convicts were convicted, and it shall be the duty of said sheriff to report to the Comptroller specifically the disposition made of the money placed in his hands under the provisions of this act.

Mr. Farquharson moved to amend said amendment offered by Mr. Polk, as follows:

"And that the Comptroller shall deduct from the amount to be given to the families of convicts full compensation for learning said convicts useful trades."

And the question being taken on said amendment to the amendment offered by Mr. Polk, it was determined in the negative.

Yeas,

25

Nays,

46

The yeas and nays, No. 205, being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Boddie, Bond, Brooks, Carson, Cheatham, Cleaveland, Cross of Sullivan, Farquharson, Glenn, Kinney, Lenoir, Miller of Marshall, Moores, Morrow, Rawlings, Richardson, Rodgers, Smart, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bone, Burrus, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Houston, Hord, Hughes, Humphreys, Jourdan, Lauderdale, McGinnis, Marr, Miller of Hardeman, Milligan, Moorman, Morris, Nave, Polk, Roach, Scott, Sherrill, Trice, Trimble, Trou, Wann, Wheeler, and Williams.

So said amendment was rejected.

Mr. Anderson moved to amend the amendment offered by Mr. Polk, with the following proviso to the first section:

"Provided that all the expenses which have been paid by the people of Tennessee in the construction of the Penitentiary and in the administration of justice which has resulted in the conviction of criminals, shall be first deducted from the profits of the labor and work done in the Penitentiary."

Which amendment was adopted.

Mr. Glenn moved a reconsideration of the vote just taken adopting said amendment.

Which was disagreed to by the House.

Mr. Polk then moved to amend the proviso just adopted with the following:

"That the materials and work on hand shall be applied to defraying all expenses heretofore incurred in erecting the buildings, purchasing the lot, &c."

Mr. Crudup moved the previous question.

Which being seconded by a majority of all the members present,

The question was then taken, "shall the main question be now put," it was determined in the affirmative,

Yeas	56
Nays	17

The yeas and nays, No. 206, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,
Messrs. Black, Boddie, Cherry, Cross of Sullivan, Eubank, Garner, Glenn, Gordon, Hughes, Lauderdale, McGinnis, Marr, Milligan, Polk, Scott, Trott, and Turner.

So the House agreed that the main question shall be taken.

Said bill was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative.

Yeas

68

Nays

3

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Glenn, McGinnis, and Marr.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Gordon asked and obtained leave to withdraw for amendment.

A bill, No 273, to establish the dividing line between Sumner and Robertson counties

The House took up,

A bill, No. 80, for the relief of the heirs of Thomas Maxwell, deceased, of Blount county.

And the question being taken, "shall the bill pass?" it was determined in the affirmative,

Yeas,

54

Nays,

19

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Cleveland, Crouch, Crudup, Deavenport, Dearing, Duggan, Farquharson, Fisher, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Maury, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Williams.

Those who voted in the negative are,

Messrs. Eubank, Garner, Glenn, Hughes, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Nave, Polk, Richardson, Trott, Turney, Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up,

A bill, No. 81, to change the method of renewing notes in the Bank of Tennessee and Branches.

Mr. Miller of Hardeman moved to amend said bill as follows:

Strike out in the third line of the first section "shall and."

Strike out in the 4th line of the same section "is hereby made the duty of," and insert in lieu thereof the word "for."

Strike out in the fifth line "to a seal or seals," and insert the following: "Payable to the President and Directors of the Bank of Tennessee."

Also to amend the second section by striking out in the second line "and where said notes so signed."

Also to amend the third section by striking out all after the words "any transactions," in the second line of said section.

Which amendments were severally adopted.

Mr. Trott moved the indefinite postponement of said bill and amendments.

And the question being taken on agreeing to said motion, It was determined in the negative.

Yeas

24

Nays

46

The yeas and nays, No. 209, being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bond, Bone, Burrus, Cherry, Cross of Madison, Farquharson, Glenn, Gordon, Hamilton, Hughes, Lauderdale, McGinnis, Moores, Richardson, Scott, Trott, Tyler, Walker of Hickman, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Carson, Cheatham, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Deering, Duggan, Eubank, Fisher, Garner, Goodall, Goode, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Morrow, Marr, Polk, Rawlings, Roach, Rodgers, Smart, Sherrill, Trice, Trimble, Turner, Turney, Walker of Williamson, Wann, and Wheeler.

So the House refused the indefinite postponement of said bill.

Mr. Scott moved to amend the bill by adding thereto the following proviso: "Provided that nothing herein contained shall apply to notes now running to maturity in said bank, or the renewals of said notes unless at the pleasure of makers and endorsers."

Which amendment was rejected.

Said bill was further amended on motion of Mr. Bond.

Mr. Scott moved to strike out all after the word "nonpayment," in the third line of the 2d section.

Which motion was agreed to by the House, and was thereupon stricken out.

The bill was then further amended.

Said bill as amended was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the negative.

Yeas	29
Nays	42

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Boddie, Bond, Cleaveland, Coggin, Crudup, Deavenport, Dearing, Duggan, Fisher, Goodall, Goode, Hodgeson, Jourdan, Lenoir, maury, miller of Hardeman, Miller of Marshall, Morris, Morrow, Nave, Polk, Rawlings, Rodgers, Smart, Trice, Trimble, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bone, Burrus, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Eubank, Farquharson, Garner, Glenn, Gordon, Hamilton, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, marr, Richardson, Roach, Scott, Sherrill, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wyley.

So said bill was rejected.

Mr. Polk submitted the following preamble and resolution, No. 144:

Whereas; this General Assembly views with deep interest the proposition which has been brought before Congress by the resolves of the Legislatures of several of the States, and numerous petitions of the people of other portions of the Union, to restore to General Andrew Jackson the fine unjustly imposed upon him by Judge Hall for an alleged contempt of the civil authority during his gallant defence of the city of New Orleans, in the winter of 1814—15; and

Whereas, This General Assembly in expressing their unqualified condemnation of the course of the majority in the last Congress, refusing to perform an act of justice to the fame of the venerable man, who was the gallant, and successful defender of his country's rights and liberty, but express the public sentiment of the people of this State, many of whom shared with him in his toils, and services, and are familiar being eye witness, with the whole transaction which gave rise to the imposition of the fine now proposed to be refunded,

Be it therefore resolved by the General Assembly of the State of Tennessee, That the Senators in Congress from this State be instructed, and the Representatives in Congress be requested to bring forward and use their best exertions to procure the enactment of a law by Congress at its present session, refunding to General Andrew Jackson, from the Treasury of the United States, the fine of one thousand dollars, imposed upon him by Judge Hall, in the year 1815, and paid by him, with legal interest thereon, until the time of payment, and that said fine be refunded with interest, without any qualification or condition whatever.

Resolved, That the Governor be, and is hereby requested to forward copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress, with a request that they lay the same before both Houses of Congress.

Which preamble and resolutions were read and laid on the table.

Mr. Crudup submitted the following resolution, No. 145:

Resolved, That so much of the rule of the House of Representatives as requires the House to continue in session until 6 o'clock, be and the same is hereby rescinded.

Which was read and laid on the table.

The House took up,

A bill, No. 82, to refund to Sheriffs revenue improperly paid by them.

Said bill was read a third time.

And the question being taken, "shall the bill pass?"

It was determined in the affirmative.

Yeas

68

Nay

1

Those who voted in the affirmative are,

Messrs. Alexaader, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Mr. Wheeler voting in negative.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill, No. 84, to protect and preserve the good morals of the people.

Mr. Marr moved that said bill be indefinitely postponed.

And the question was then taken on agreeing to said motion, it was determined in the negative.

Yeas

29

Nays

37

The yeas and nays, No. 212, being called for by Mr. Nave, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bobo, Boddie, Bond, Bone, Burrus, Cleveland, Cross of Madison, Crudup, Fisher, Goode, Hughes, Jourdan, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Polk, Rawlings, Smart, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Carson, Cheatham, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Eubank, Farquharson, Garner, Goodall, Hamilton, Hodsden, Hord, Houston, Humphreys, Kinney, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Sherrill, Trice, Trott, Turner, Turney, Wann, and Wheeler.

So the House refused to indefinitely postpone as moved by Mr. Marr.

Mr. Crudup moved that said bill be referred to the Committee on the Penitentiary.

Mr. Coggin then moved that said bill and amendment be referred to a Select Committee of three members.

Which motions were severally rejected.

Mr. Coggin asked and obtained leave to withdraw said bill for amendment.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 15, 1843.

The House met pursuant to adjournment.

Mr. Burrus presented a petition, No. 150, from sundry citizens of Rutherford county to restore Joseph M. Robertson to the rights of citizenship.

Which was read and referred to the Committee on the Judiciary.

Mr. Boddie presented

A petition, No. 158, of Anderson Cheatham, praying Legislative relief as the security of Sterling Brewer and John Cheatham.

Which was read and referred to the Committee on Claims.

Mr. Avery presented

A petition, No. 159, from sundry citizens of Memphis, praying the establishment of a chancery court at Memphis.

Which was read and ordered to be transmitted to the Senate.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution from the House, No. 141, proposing the appointment of a joint select committee on Internal Improvement Companies in Middle Tennessee, in which the State is a stockholder, and have concurred therein, with sundry amendments.

Which resolution and amendments are herewith transmitted, and the concurrence of the House therein requested.

The Speaker of the Senate has signed an enrolled resolution from the House, entitled: "A resolution directory to the Secretary of State, in relation to journals of this General Assembly, intended for distribution in East Tennessee."

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Bond, from the Committee on Enrollments, reported as correctly engrossed, the following bills, to-wit:

A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb.

A bill, No. 76, prescribing additional duties to be performed by the agent of the penitentiary

A bill, No. 82, to refund to sheriffs revenue improperly paid by them; and

A bill, No. 158, to amend the act of 1806, chap. 1, sec. 21, prescribing the mode of processioning land.

Ordered that the clerk transmit the said bills to the Senate.

Mr. Bond moved a reconsideration of the vote of the House, taken on the passage of,

A bill, No. 80, for the relief of the heirs of Thos. Maxwell, dec'd, of Blount county.

Mr. Rodgers, from the Committee on Military Affairs, to which had been referred: "A bill, No. 150, to establish brigade or county drills," reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and recommend the passage of the same.

Said bill was then read a second time.

Mr. Crudup then moved that said bill be indefinitely postponed.

And the question being taken on agreeing to said motion, it was determined in the affirmative,

Yeas	33
Nays	38

The ayes and noes, No. 185, being called for by Mr. Crudup, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bobo, Boddie, Bond, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Crudup, Eubank, Farquharson, Garner, Goode, Hodsdon, Huddelston, McGinnis, Marr, Milligan, Moores, Morrow, Nave, Rawlings, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bone, Brooks, Burrus, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Fisher, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Moorman, Morris, Richardson, Roach, Rodgers, Sherrill, Smart, Trott, and Turner.

So the House refused the indefinite postponement of said bill.

Sundry amendments being offered, Mr. Richardson moved the previous question.

Which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put, and determined in the affirmative,

Said bill was then read a second.

And the main question was then put, "shall the bill pass?" it was determined in the negative.

Yeas	33
Nays	38

The ayes and noes, No. 203, being called for by Mr. Nave, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bone, Brooks, Burrus, Crouch, Deavenport, Dearing, Duggan, Goodall, Gordon, Ham-

n, Hord, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Moorman, Morris, Morrow, Polk, Richardson, Roach, Rodgers, Smart, and Trott.

Those who voted in the negative are,

Messrs. Black, Bobo, Boddie, Bond, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Hodsdon, Houston, Huddleston, Milligan, Moores, Nave, Rawlings, Sherrill, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Wyley presented a petition, No. 161, from sundry citizens of Benton county, praying the incorporation of the Eagle creek male academy in said county.

Which was read and laid on the table.

Mr. Burrus introduced,

A bill, No. 284, to restore Joseph M. Robertson to the rights of citizenship.

Mr. Wyley introduced,

A bill, No. 285, to incorporate the Eagle creek academy, in the county of Benton.

Which bills were severally read a first time and passed.

Mr. Carson introduced,

A bill, No. 286, to relieve the people of this State to some extent on the payment of costs in State prosecutions.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Morrow introduced:

A bill, No. 287, to incorporate the Richland turnpike company.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements with instructions,

Mr. Speaker Barringer introduced,

A bill, No. 288, to prescribe the manner of giving notice to endorsers and assignors.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

On motion of Mr. Farquharson,

The House took up,

The Senate's amendment to House resolution, No. 141, proposing appointment of a joint select committee on Internal Improvement companies in Middle Tennessee in which the State is a stockholder.

Which amendments are as follows:

First, by striking out in the sixth line of the first resolution the words "Middle Tennessee," and insert in lieu thereof the word "State."

Second, an additional resolution as follows:

Resolved, That said committee inquire and report on all matters that their opinion may show the true condition of the officers of each road, that they report as to the expediency of appointing a commissioner to superintend the interest of the State in its stock.

Which several amendments the House concurred in.

Ordered that the clerk acquaint the Senate therewith.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred,

A bill, No. 281, to amend the charter of the Jefferson turnpike, reported that the committee had had the same under consideration and had instructed him to report said bill without amendment and recommend the passage thereof.

Said bill was then read a second time and passed.

Mr. Gordon, who had withdrawn for amendment,

A bill, No. 273, to establish the dividing line between Sumner and Robertson counties, returned it with an amendment thereto constituting two additional sections to the bill, the second and third.

The second proposes to appoint commissioners to designate the dividing line between Benton and Perry counties.

The third section proposes to allow said commissioners two dollars per day, to be paid by said counties.

Which amendments were severally adopted.

Said bill as amended was then read a second time and passed.

Mr. Smart asked and obtained leave to withdraw said bill for amendment.

Mr. Morrow, who had withdrawn for amendment,

A bill, No. 278, to amend an act entitled an act to incorporate the town of Tazewell, in the county of Claiborne, passed the 1st Nov., 1843, and for other purposes, returned said bill with an amendment constituting the 4th and 5th sections.

Which amendments were rejected.

Said bill was then read a second time and passed.

Mr. Rodgers submitted a resolution, No. 145, which is as follows:

Resolved by the General Assembly of the State of Tennessee, That the journals of this General Assembly be printed in conformity with the 4th section of the 2d chapter of the act of 1831.

Resolved further, That the acts be printed pursuant to the 3d section of the 2d chapter of the act of 1831.

Resolved, That the Secretary forward a copy of these resolutions to the printer whose duty it is to print the acts and journals of this General Assembly.

Which resolution was read and laid on the table.

Mr. Goode, from the Committee on Enrolments, reported as truly enrolled,

A resolution, No. 141, proposing the appointment of a joint select committee on Internal Improvements in the State of Tennessee in which the State is a stockholder.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Miller of Hardeman moved that the select committee to which had been referred,

A bill, No. 265, be discharged, and that said bill be referred to the Committee of Ways and Means.

Mr. Gordon moved for a division of the question.

And the question was then taken on discharging the committee, and was determined in the negative,

Yeas	31
Nays	40

The yeas and nays, No. 214, being called for by Mr. Trott and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Fisher, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Duggan, Farquharson, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nava, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

So the House refused to discharge said committee.

Mr. Boddie asked to be discharged from serving as chairman on the select committee, to which had been referred a revenue bill, No. 265.

Which was agreed to by the House.

On motion of Mr. Crudup,

The House took up,

A resolution, No. 145, amendatory to the rules of the House, submitted by him on yesterday.

Mr. Crudup moved to amend said resolution by adding the following:

"And that hereafter the House will remain in session until 5 o'clock, p. m."

Which amendment was adopted.

Mr. Williams moved to amend the resolution as follows:

"And meet at half past 6 o'clock, p. m., and sit until 9 o'clock, p. m."

And the question being taken upon said amendment, it was determined in the negative.

Yeas	27
Nays	44

The yeas and nays, No. 213, being called for by Mr. Williams, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Black, Brooks, Carson, Cheatham, Deavenport, Duggan, Goode, Hamilton, Lauderdale, Lenoir, Miller of Marshall, Milligan, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trimble, Trott, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Eubank, Farquharson, Fisher, Glenn,

Goodall, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Jourdan, McGinnis, Marr, Maury, Miller of Hardeman, Morris, Moorman, Nave, Polk, Scott, Sherrill, Smart, Trice, Turner, Turney, and Wyley.

So said amendment was rejected.

Mr. Polk moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, "shall the main question be now put," and was determined in the affirmative,

And the main question was then taken, "shall the resolution be adopted," and was determined in the affirmative,

Yeas

49

Nays

21

The yeas and nays, No. 217, being called for by Mr. Williams, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Bond, Bone, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Farquharson, Fisher, Glenn, Goodall, Gordon, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, McGinnis, marr, Maury, miller of Hardeman, moores, milligan, Moorman, Nave, Polk, Rawlings, Richardson, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Williamson, and Wann.

Those who voted in the negative are,

Messrs. Anderson, Black, Boddie, Brooks, Cheatham, Duggan, Goode, Hamilton, Lauderdale, Lenoir, miller of marshall, morris, Morrow, Roach, Rodgers, Turner, Walker of Hickman, Wheeler, Williams, and Wyley.

So said resolution was adopted.

On motion of Mr. Bobo,

Ordered that petition, No. 61, from the Sheriff and other citixens of Coffee county, praying relief to said sheriff, be recommitted to the Committee on Claims.

The House then adjourned.

SATURDAY, DECEMBER 16th, 1843.

The House met pursuant to adjournment.

Mr. Sherrill presented a petition, No. 162, of sundry citizens of Bledsoe county, protesting against a gate being erected on Scott's turnpike road, at or near Jamestown.

Which was read and laid on the table.

Mr. Roach presented a petition, No. 163, from sundry citizens of Wilson county, praying the Legislature to authorise Hallon Sullevant, to retail spirituous liquors, without licence.

Which was read, and ordered to be transmitted to the Senate.

Mr. Smart, from the Committee on the Lunatic Asylum, to which

had been referred: "A petition, No. 20, from sundry citizens of Giles county, praying such alterations in the present laws, regulating the Lunatic Asylum, as will extend its benefits to a larger number of lunatics, than are now provided for," and the following resolution:

A resolution, No. 100, directory to the Committee on the Lunatic Asylum; and

A resolution, No. 83, of instruction, directory to the Committee on the Lunatic Asylum;

A resolution, No. 43, directory to the said committee, to inquire the causes, why Thomas Gainwell was refused by said Asylum,

Reported that the committee had had the same under consideration, and had instructed him to ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee further make the following report:

This institution, founded in wisdom, and supported by appropriations from the State, is now in a most prosperous condition, and no doubt is entertained with the fostering care of the Legislature, it will at no distant day, add as much to the honor of the State, as it will prove humane and benevolent to her citizens, in restoring numbers from one of the most deplorable situations conceivable, to that of happiness and usefulness to society; and whatever may be the condition of finances of the State at present, we cannot, to do justice to the institution, withhold an appropriation sufficient to render those who may be under its care, comfortable. The institution has now been established nearly four years, and in that time up to the beginning of the present session of the Legislature, according to the statement of the superintendent, there has been admitted 81 patients, of which 52 were boarders, and 29 paupers, and of whom 27 yet remain, 11 boarders, and 16 paupers. The building is calculated for more than double that number, but its pecuniary means are so limited as to greatly restrict the number of paupers. When these patients were received, and when discharged, was not reported by the attending Physician, as the law directed, nor has he said any thing calculated to give your committee any light as to the average number kept in the hospital; consequently they have no data upon which to base a calculation in regard to the reasonableness of the expenses of the patient while there. The rooms of the hospital and its general construction, are well adapted to the keeping of insane persons, with the exception of the method of heating the rooms in winter; instead of fire places, as are now used, your committee would recommend that the rooms in which lunatics are confined, should be heated by pipes or flues; this plan should be preferred for the following reasons:

1st. All the rooms used can be heated with five fires, and a great saving of wood will be the consequence.

2nd. Much danger is avoided, not only to the patients, but to the buildings, for where there are fire places, lunatics are apt, in paroxysms, to pull the fire from the hearth to the floor, at the great risk of burning themselves as well as destroying the buildings; much good may be accomplished by pursuing a course with the inmates of this institution.

calculated to soothe and compose the mind, and to divert ...
 tion from thoughts gloomy and distressing, to something more lively,
 and pleasing; this probably may be done in many cases by proper
 amusements, and such as could be trusted to an occasional ride out in
 a carriage with proper attendants. Your committee would also recom-
 mend a change in the management of the institution, so that the at-
 tending Physician shall reside at the hospital, so that he may give his
 individual attention to the unfortunate patients confined there. This
 may cost the State a little more than the method practiced at the pres-
 ent time, but the good results anticipated from it, your committee be-
 lieve, will far overbalance the additional expense, that the keeping of
 20 pauper patients will not cost one third more than the keeping of half
 that number; for the expense of the institution consists more in pre-
 parations for the comfort and care of the patients, than it does in sup-
 porting them while there; and the preparations for ten or twelve
 would be sufficient, or nearly so, for double that number, with the ad-
 ditional expense for their support. With the sum of thousand dol-
 lars annually, your committee believe that the service of a competent
 physician, with a family, can be provided to take charge of this insti-
 tution, who will bind himself to keep an average number of fifty pau-
 per patients annually, and as many additional boarding patients as may
 make application under the existing laws.

All of which is respectfully submitted.

G. R. SMART, Chairman.

The committee had also instructed him to report:

A bill, No. 289, to change, and render more efficient the manage-
 ment of the Lunatic Asylum.

Which was read a first time and passed.

Mr. Avery submitted the following resolution, No. 146:

Whereas a large and respectable portion of the citizens of Tennes-
 see, are of opinion that the present policy of working convicts in the
 Penitentiary, is highly prejudicial to their interests, and unjust in its
 tendencies, by placing the honest mechanics on a professional level
 with the convicts in the State prison; and

Whereas, this portion of our community have remonstrated against
 the aforesaid alleged unjust policy, and their remonstrances demand
 the attention of this Legislature; therefore be it

Resolved by the General Assembly of the State of Tennessee, That
 the Committee on the Penitentiary be, and they are hereby instructed to
 investigate the matter without delay, and if upon such investigation
 they find that such a change can be made without too great detriment
 to other portions of our community, they are hereby required to re-
 port a bill to this effect, to this General Assembly without any fur-
 ther delay.

Which was read, and the 59th rule of the House being suspended,
 said resolution was adopted.

Mr. Fisher submitted the following resolution, No. 147:

Resolved by the General Assembly of the State of Tennessee, That
 it shall be the duty of the keeper of the penitentiary to attend to, and
 take care of the public arms, and have them put and kept in good or-

der, and that he report to each session of the General Assembly, the number and condition of said arms.

Which resolution was read, and the 59th rule of the House being suspended said resolution was adopted.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered amendments of the House, to "A bill No. 44, to establish a criminal court at the city of Memphis, in Shelby county," and for other purposes, and have concurred therein.

The Senate have taken up, and passed on its third reading:

A bill, No. 166, to establish a chancery court at Lexington, in the county of Henderson.

Which bill is herewith transmitted, and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed an enrolled resolution from the House, entitled:

A resolution proposing the appointment of a joint select committee on Internal Improvement Companies, in the State of Tennessee, in which the State is a stockholder.

Which enrolled resolution is herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Goodall introduced

A bill, No. 290, to prevent a direct tax upon the people of Tennessee.

Which was read a first time and passed.

Ordered that said bill be referred to the select committee of the House, on retailing spirituous liquors.

Mr. Cheatham introduced

A bill, No. 291, to establish a chancery court at Springfield, in Robertson county.

Mr. Duggan introduced

A bill, No. 294, to regulate the pay of jurors, &c.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Nave introduced

A bill, No. 292, to incorporate all towns not heretofore incorporated, and to prevent expensive legislation.

Mr. Hughes introduced

A bill, No. 293, to refund the county of Polk, the amount of money by them expended in the transportation and delivery of the digest of the Laws of Tennessee, to the justices of the peace in said county of Polk.

Which bills were severally read a first time and passed

Mr. Gordon asked and obtained leave of absence for Mr. Polk, until Tuesday morning.

Mr. Brooks, who had withdrawn for amendment:

A bill from the Senate, No. 63, to refund to White county the interest upon the common school fund, improperly paid over, under the act of 1837-8;

Returned the same, with an amendment in lieu of the whole bill, form the enacting clause.

Which amendment proposes to include county of Jackson, in the proviso of said act.

Mr. Huddleston moved to amend the amendment, by inserting after the words "White and Jackson," "and Overton."

Mr. Walker of Hickman moved that said bill and amendments be recommitted to the Committee on Education and Common Schools, with specific instructions to report a bill, providing for all the counties in the like conditions with White.

Which motion to recommit, with instructions, was agreed to by the House.

Mr. Nave offered an amendment to the bill just recommitted to the Committee on Education and Common Schools.

Which provides for the payment of four hundred dollars, to the county of Carter, which money had been paid over to the superintendent through mistake, under the act of 1835-6, calling in the common school fund.

Ordered that said amendment be referred to the same Committee.

Mr. Goode, who had withdrawn for amendment:

A bill, No. 191, to amend the laws of this State, regulating the practice in the chancery courts, and reducing the expenses of the same,

Returned said bill with an amendment in lieu of the two first sections of the bill, and also constituting the first sections of said bill.

Which amendment was adopted.

Mr. Farquharson moved to amend the first section of the bill, as amended, by inserting after the word "subpoena," in the 7th line, the following: "and an abstract of the bill."

Which amendment was rejected.

Mr. Brooks moved that said bill be laid on the table.

And the question was then taken on agreeing to said motion, it was determined in the negative.

Yea

29

Nay

37

The ayes and nays, No. 218, being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

Messrs Anderson, Birdsoe, Bobo, Boddie, Bone, Brooks, Cherry, Coggin, Cudup, Dearing, Eubank, Farquharson, Garner, Goodall, Hamilton, Hedsden, Houston, Lauderdale, Miller of Marshall, Nave, Roach, Sherrill, Smart, Turney, Walker of Hickman, Wana, and Williams.

Those who voted in the negative are,

Messrs Alexander, Avery, Black, Bond, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Deaverport, Duggan, Fisher, Goode, Gordon, Hord, Huddleston, Hughes, Jordan, Kinney, Lenoir, McGinnis, Marr, Maury, Milligan, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Rodgers, Scott, Trice, Trimble, Trott, Turner, Tyler, Walker of Williamson, Wheeler, Wyley, and Mr. Speaker Barringer.

So the House refused to lay said bill on the table.

Said bill as amended was then read a third.

And the question being taken, "shall the bill pass," it was determined in the affirmative.

Yeas

42

Nays

28.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bledsoe, Bond, Carson, Cheatham, Cleveland, Cross of Madison, Crouch, Deavenport, Dearing, Fisher, Goode, Hord, Huddleston, Hughes, Jourdan, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Trice, Trimble, Trott, Turner, Tyler, Walker of Williamson, Wyley, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Black, Bobo, Boddie, Bone, Brooks, Burrus, Cherry, Coggin, Cross of Sullivan, Crudup, Duggan, Euhank, Farquharson, Garner, Glenn, Goodall, Gordon, Hamilton, Hodsden, Houston, Humphreys, Lauderdale, Marr, Miller of Marshall, Roach, Smart, Turney, Walker of Hickman, Wann, and Wheeler.

So said bill passed on its third and last reading and was ordered to be engrossed and transmitted to the Senate.

Mr. Wyley asked and obtained leave to withdraw for amendment.

A bill, No. 156, to authorize the election of an additional justice of the peace in the town of Chattanooga.

Mr. Cleveland moved a reconsideration of the vote of the House taken this morning in the final passage of a bill, No. 191, to amend the laws of this State, regulating the practice in the Chancery Courts, and reducing the expenses of the same.

Which motion was disagreed to by the House.

Mr. Smart, who had withdrawn for amendment,

A bill, No. 273, to establish the dividing line between Sumner, Robertson, Perry, and Benton counties, returned the same with an amendment constituting the 4th, 5th, and 6th sections of the bill, which provides for the appointment of commissioners to run and mark the lines between the counties of Cannon and Warren, and the counties of DeKalb and Warren, and Coffee and Warren, and that in running said lines they shall not approach nearer the county seat of Warren county than the constitutional limits; also provides that the several county courts shall have power to appropriate money to pay their respective portions of expenses in making said survey.

Which amendment was rejected.

Said bill was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

Mr. Trott, who had withdrawn for amendment,

A bill, No. 281, to amend the charter of the Jefferson Turnpike company,

Returned the same with the following amendment:

Insert after the words "Sparta road," in the sixth line of the first section, "or stage road leading from Murfreesboro to Woodberry."

On motion of Mr. Rodgers,

The bill was further amended by adding after "Woodberry," the words "or both."

Which amendments were adopted.

Said bill as amended was then read a third time and passed.

Ordered that said bill be engrossed and transmitted to the Senate.

The House took up Senate's amendment to,

A bill, No. 8, to repeal the laws requiring the sale of real estate to be advertised in newspapers.

Which amendment is as follows:

Sec. 2. *Be it enacted*, That all lands of county residents hereafter ordered to be sold not provided for in the first section of this act, shall be advertised at the Court house door, and in the civil district where the land lies, and at two other public places in the county, and notice thereof shall be given to the defendant in possession, of the time and place of sale.

In which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to,

A bill, No. 53, for the relief of securities, endorsers, and stayors on judgments hereafter rendered.

Which amendment is as follows:

Sec. 2. *Be it enacted*, That before any security or endorser shall be entitled to the benefit of this act, they shall make it appear to the court of Justice of the Peace trying the cause that he, she, or they are securities or endorsers, and the same shall be recited in the judgment and execution, and it shall be the duty of the justice of the peace to recite in the execution the names of all such persons as are stayors, against whom they shall issue executions, when the judgment has been stayed.

In which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Crudup,

The House took up,

A resolution from the Senate, No. 52, dividing the county of Perry, making the Tennessee river the county line.

Said resolution was then read a third time.

And the question being taken, "shall the bill pass?" and was determined in the affirmative,

Yeas

61

Nays.

none

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdon, Lauderdale, Lenoir, Marr, Maury, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tylet, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said resolution passed on its third and last reading in this House.
The caption was then amended.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Rodgers,

The House took up,

A resolution, No. 145, directory to the public printer, and Secretary of State.

Which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to,

A bill, No. 99, to annex a portion of the south-east corner of Williamson county to the county of Rutherford.

Which amendment is as follows:

Provided always, That the alteration of said lines shall not reduce the county of Williamson below 625 square miles.

And the question being taken on agreeing in said amendment of the Senate,

It was determined in the affirmative.

Yeas

43

Nays

22

The yeas and nays being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Crouch, Dearing, Duggan, Eubank, Goodall, Goode, Hamilton, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Hickman, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Lack, Bobo, Cherry, Cross of Sullivan, Crudup, Deavenport, Fisher, Garner, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Marshall, Milligan, Smart, Turney, and Mr. Speaker Barringer.

So the House concurred in said amendment of the Senate.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following bills from the Senate:

A bill, No. 85, giving further relief to married people in obtaining divorces.

A bill, No. 82, to regulate the costs in civil suits.

A bill, No. 93, to amend the practice in courts of law and equity, and for other purposes.

A bill, No. 105, for the benefit of William McCalister, formerly a deputy Sheriff of Lawrence county.

A bill, No. 110, to establish the county of Jones, in honor of His Excellency James C. Jones, the present Governor of the State of Tennessee.

A bill, No. 117, to establish the county of Hancock, in honor of John Hancock, one of the patriots of the revolution.

A bill, No. 119, to prescribe the mode of registering wills for land executed out of the limits of the State of Tennessee.

A bill, No. 124, to complete the boundry line separating the counties of Dickson and Montgomery.

A bill, No. 126, for the regulation of costs in certain cases.

A bill, No. 128, to give securities and creditors the right to recover usurious money paid by the principal on debtor, or satisfaction of his debt or liability.

A bill, No. 132, more effectually to enable the creditors of deceased persons to collect their debts out of the real estate of such deceased person.

A bill, No. 134, to amend the charter of the Holston College.

A bill, No. 137, to regulate the manner of reporting the decisions of the Supreme court of this State.

A bill, No. 142, to extend the corporate limits of the town of Dresden, in the county of Weakley.

A bill, No. 149, to declare the speaking of certain words actionable; and

A bill, No. 161, to establish a Chancery court in the town of Lexington, in the county of Henderson.

Which bills were severally read a first time and passed.

The House took up,

A bill from the Senate, No. 81, to reduce the costs chargeable to the State in criminal prosecutions.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up,

A bill from the Senate, No. 127, to charter the Somerville and Memphis, the Lagrange and Memphis, and Shelby county and Mississippi Turnpike companies.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

The House took up,

A bill from the Senate, No. 133, to change the name of Jackson Perry Bocock.

Which was read a first time and passed.

Mr. Hord asked and obtained leave to withdraw said bill for amendment.

The House took up,

A bill from the Senate, No. 144, to authorise the county court of Marshall county to appropriate certain moneys for expenses in defending a suit for the benefit of said county.

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Claims.

The House took up,

A bill from the Senate, No. 155, for the relief of delinquent officers in certain cases.

Which was read a first time and passed.

Mr. Morrow asked and obtained leave to withdraw amendment.

The House took up,

A petition from the Senate, No. 98, from sundry citizens of Henderson county, praying the establishment of a Chancery court at Lexington, in said county.

Which was read and laid on the table.

The House took up from the Senate,

A petition, No. 100, of William Lindsey and 64 citizens of Campbell county, praying for legislative relief.

Which was read and referred to the Committee on Banks.

The House took up,

A petition, No. 100, from the Senate, of Elijah Hurst.

Which was read and referred to the Committee on Claims.

On motion of Mr. Brooks,

The House took up,

A bill, No. 189, to incorporate the trustees of the Jackson Seminary, in the county of Jackson.

Which was read a second time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

On motion of Mr. Boddie,

The House took up,

A bill, No. 155, to incorporate Wythe college, in the county of Summers.

Said bill was then read a third time and passed, and ordered to be engrossed and transmitted to the Senate.

Mr. Wyley, who had withdrawn for amendment,

A bill, No. 256, to authorise the election of an additional justice of the peace in the town of Chatanooga, returned said bill without amendment.

Said bill was then read a second time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on its third reading, with an amendment thereto,

A bill from the House, No. 64, to amend an act passed January 26, 1842, chapter 58, for the benefit of orphans.

Which is herewith transmitted, and the concurrence of the House therein requested.

The Senate have passed on its third reading,

A bill, No. 72, for the benefit of the Memphis Hospital.

Which is herewith transmitted together with the report of the joint select committee, and a memorial of the president and trustees of the Memphis Hospital, and the concurrence of the House of Representatives in the passage of said bill is requested.

Mr. Coggin, who had withdrawn for amendment,

A bill, No. 84, to protect and preserve the good morals of the people, returned the same with an amendment in lieu of the whole bill from the enacting clause.

Which amendment was adopted.

Mr. Goodall moved to strike out of said amendment the following: "Colored persons who on account of color is now by the constitution and laws of this State incompetent to be examined as a witness in a court of justice against a free white person," and insert in lieu thereof the following amendment: "negro or mulatto man or women."

Which amendment to the amendment was adopted.

Mr. Boddie offered the following amendment as a proviso to the amendment offered by Mr. Coggin.

Provided, That the provisions of this act shall not apply to any persons who have been cohabiting or living together as man and wife for more than two years previous to this act.

Which amendment was adopted.

Mr. Eubank moved to amend the second section of the amendment by inserting after the word "circuit," in the second line the word "and criminal."

Which amendment was adopted.

Mr. Avery moved a reconsideration of the vote just taken, adopting the amendment offered by Mr. Boddie.

Which motion was agreed to by the House.

Mr. Avery then moved to amend said proviso offered by Mr. Boddie, by adding after the word "man and wife," the word "hereafter."

Mr. Morris then moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, "shall the main question be now put?" which being determined in the affirmative.

Said bill was then read a third time as amended.

And the question being taken, "shall the bill pass?" it was determined in the negative.

Yeas,	32
Nays,	32

Those who voted in the affirmative are,

Messrs. Black, Bobo, Bond, Brooks, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Dearing, Duggan, Eubank, Fisher, Goode, Kinney, Lauderdale, Marr, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Nave, Richardson, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Tyler, and Wann.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Burrus, Cherry, Cross of Madison, Crudup, Deavenport, Farquharson, Goodall, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lenoir, Miller of Hardeman, Morrow, Rawlings, Roach, Turney, Walker of Hickman, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The house took up Senate's amendment to

A bill, No. 64, to amend an act, passed January 26th, 1842, chap. 58, for the benefit of orphans.

Which amendment is as follows:

Sec. 3. *Be it enacted*, That in cases hereafter when commissioners are appointed to lay off a year's support, for the use and benefit a widow,

and her family, or to the children of the decedent, when the mother is dead, they shall, in no case make provision or allowance for any other person than the widow and her own children, or those of her husband by a former wife, or the children alone, when the mother is dead."

Mr. Walker of Hickman moved a concurrence of the House in said amendment of the Senate; which was disagreed to by the House.

So said amendment was not concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Crudup moved a reconsideration of the vote of the House just taken rejecting, a bill, No. 84, to protect and preserve the good morals of the people; which motion to reconsider was disagreed to by the House.

The House took up, a bill from the Senate, No. 72, for the benefit of the Memphis Hospital; which was read a first time and passed.

Ordered that said bill with accompanying documents be referred to the Joint Select Committee on the Memphis Hospital.

On motion of Mr. Lenoir,

The House took up, a bill, No. 290, giving further time time for the completion of the Hiwassee Railroad; which was read a second time and passed.

Mr. Lenoir asked and obtained leave to withdraw said bill for amendment.

The House then adjourned until Monday morning.

MONDAY, DECEMBER 18, 1843.

The House met pursuant to adjournment.

Mr. Walker of Williamson presented a petition, No. 164, from sundry citizens of Williamson county, praying the alteration of the dividing line between said county and the county of Davidson, so as to include their dwellings in said county of Davidson; which was referred to the Committee on New Counties and County Lines.

Mr. Deavenport presented a petition, No. 165, from sundry citizens of Lawrence county, in school district No. 1 and 6, praying the Legislature to authorize the commissioners of said districts to make Westpoint school house one of the public school houses, and to appropriate the school fund accordingly; which was referred to the Committee on Education and Common Schools.

The Speaker presented the following communication from the Comptroller of the Treasury:

To the General Assembly of the State of Tennessee: I shall necessarily be absent from the seat of Government for a short period after this day; you will therefore please to accept this, my resignation of the office of Comptroller of the Treasury.

Very respectfully,

Nashville, Dec. 18, 1843.

DANIEL GRAHAM.

Which was read and accepted, and ordered to be transmitted to the Senate.

Mr. Miller of Hardeman submitted the following resolution, No. 148:

Resolved by the General Assembly of the State of Tennessee, That the two Houses meet in convention in the Representative hall at 2 o'clock this afternoon, for the purpose of electing a Comptroller of the Treasury, for the unexpired term of service of Daniel Graham, resigned.

Which was read and adopted.

Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on its third reading, the following House bill:

A bill, No. 66, providing for the appointment of commissioners of the Bean's Station Turnpike road, and for other purposes with an amendment thereto, which is herewith transmitted, and the concurrence of the House therein requested.

The Senate have taken up and considered, a resolution of the House, No. 110, directory to the Comptroller of the Treasury; In which resolution the Senate concur, and the same is herewith transmitted.

The Senate have taken up and considered, a resolution, No. 148, proposing that the two Houses meet in convention at 2 o'clock this afternoon, to elect a Comptroller of the Treasury, to fill the vacancy occasioned by the resignation of Daniel Graham; in which resolution the Senate concur, and the same is herewith transmitted.

The Senate have taken up and considered the nonconcurrence of the House to Senate's amendment to House bill, No. 64, to amend an act passed January 26th, 1842, chapter 58. for the benefit of orphans, and I am directed to inform the House that the Senate insist upon their amendment to said bill; which is herewith retransmitted to the House.

The Senate have taken up and passed on its third reading, a bill, No. 91, to amend the law of cost of criminal prosecutions, and to diminish the same when chargeable to the State or county; which bill is herewith transmitted, and the concurrence of the House of Representatives in the passage thereof is requested.

The Senate have taken up and read a petition, No. 103, from sundry citizens of Blount county, praying the repeal of a law passed 1840, making it unlawful to survey land that has been previously appropriated by entry or grant; which petition is herewith transmitted.

Mr. Goode, from the Committee on Enrolments, reported as correctly engrossed, a bill, No. 91, to amend the laws of this State regulating the practice in the Chancery courts, and reducing the expenses of the same.

A bill, No. 281, to amend the charter of the Jefferson Turnpike company; and

A bill, No. 275, to establish the line dividing the counties of Robertson and Sumner, and Perry and Benton.

Mr. Goode, from the same committee, reported as truly enrolled; an act to repeal the law requiring the sale of real estate to be advertised in newspapers.

An act for the relief of securities, endorsers, and stayors on judgments hereafter rendered; and

An act to annex a portion of the South-east corner of Williams county, to the county of Rutherford.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Morrow, from the Committee on Claims, to which had been referred, a petition from the Senate, No. 100, of Elijah Hurst; reported that the committee had had the same under consideration and had instructed him to report that the prayer of the petitioner is unreasonable and ought not to be granted, and the committee asked to be discharged from further consideration thereof.

Mr. Hughes moved to lay said petition and report on the table; which motion was disagreed to by the House.

The report of the Committee was thereupon concurred in.

Mr. Avery, from the Select Committee on the Memphis Hospital, to which had been referred, a bill No. 72, from the Senate, for the benefit of the Memphis Hospital, with accompanying documents; reported said bill without amendment, and to recommend the passage thereof. Said bill was then read a second time and passed.

On motion of Mr. Alexander,

Said bill was recommitted to said committee with the following instructions; to inquire into the expediency of striking out of said bill "ten years," and insert in lieu thereof "five years."

Mr. Black asked and obtained leave to withdraw for amendment, a bill from the Senate, No. 6, to repeal the act of 1842, chapter 3, entitled, an act to abolish imprisonment for debt, and for other purposes.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred, a bill, No. 153, authorizing the LaGrange and Memphis Railroad company to relinquish their right of way through Memphis if they deem it expedient; reported said bill without amendment, and recommend the passage thereof. Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the same committee, to which had been referred, a bill, No. 200, to amend the laws now in force in relation to deeds of trust; reported that the committee had had the same under consideration and have instructed him to report an amendment in lieu of said bill from the enacting clause, and with said amendment to recommend the passage of said bill.

Mr. Gordon moved to amend said amendment by striking out "and other conveyances," and insert the word "hereafter."

Mr. Wheeler moved the indefinite postponement of said bill and amendments.

And the question being taken on agreeing to said motion, it was determined in the negative,

Yeas	31
Nays	39

The ayes and noes, No. 223, being called for by Mr. Milligan, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Brooks, Burrus, Cleveland, Coggin, Cross of Madison, Crudup, Deavenport, Dearing, Eubank, Garner, Glenn, Gordon, Hamilton, Hughes, Humphreys, Lauderdale,

Warr, Miller of Marshall, Morrow, Morris, Rodgers, Sherrill, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Carson, Cherry, Cross of Sullivan, Crough, Duggan, Farquharson, Fisher, Goode, Hodsden, Hord, Houston, Huddelston, Jourdan, Kinney, Lenoir, Maury, McGinnis, Miller of Hardeman, Milligan, Moores, Morrow, Nave, Rawlings, Roach, Scott, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Wann, and Wyley.

So the House refused the indefinite postponement of said bill and amendments.

Mr. Farquharson then moved that the bill be recommitted, with specific instructions; which motion was agreed to by the House.

Mr. Miller of Hardeman, from the same committee, to which had been referred: "A bill, No. 254, to authorise justices of the peace to issue subpoenas for witnesses, to adjoining counties," reported said bill without amendment, and to recommend the passage of the same.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from said committee, to which had been referred: "A bill, No. 264, for the relief the State of Tennessee," reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and recommend its rejection.

On motion of Mr. Bledsoe.

Said bill and report was laid on the table.

Mr. Miller of Hardeman, from the committee to which had been referred "A bill, No. 260, to promote the settlement and improvement of this State, by enabling aliens to purchase and hold real estate therein," returned said bill without amendment, and recommend the passage thereof.

Said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the same committee, to which had been referred: "A petition, No. 86, of Littleton Joiner, and other citizens of Haywood county, praying Legislative relief, to said Joiner," reported that the committee had had under consideration said petition, and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted, and had also instructed him to report the following resolution, and recommend its adoption:

Resolved by the General Assembly of the State of Tennessee, That Joseph H. Talbott, attorney for the State, in the tenth judicial district, he, and he is hereby instructed and directed to prosecute no further; the suit of the State, instituted by him, in the chancery court at Brownsville, in the county of Haywood, before the Hon. Andrew McCampbell, against Littleton Joyner, for the recovery of revenue collected by said Joyner, as clerk of said county court of said Haywood county, from the first of September, 1836, to the first day of Sept. 1837, and alleged in said suit to be still owing and unpaid, and for as much as it appears that the revenue for said year was paid by Joyner to the attorney for the State, William B. Miller, in accordance with the instructions of the Comptroller, that said Talbott dismiss said suit, at the cost of the State,

and the Secretary of State is hereby directed to communicate to said Tabatt, a copy of this resolution with as little delay as practicable.

Which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Lenoir, who had withdrawn for amendment, "A bill, No. 279, giving further time for the completion of the Hiwassee Railroad," returned said bill without amendment.

Said bill was then read a third time and passed.

Ordered that said bill be engrossed and transmitted to the Senate.

Mr. Hord, who had withdrawn for amendment, "A bill from the Senate, No. 133, to change the name of Jackson Perry Bocock," returned the same with the following amendment:

Sec. 2nd. Be it further enacted, That the name of John Russell Brown be, and the same is hereby changed to that of John Russell Shields, and that he shall by that name be known, and designated, sue and be sued, plead and be impleaded, forever after this act.

Which amendment was adopted:

Said bill was then read a second time and passed.

Mr. Goode, from the select committee on delinquent officers, to which had been referred, "A bill, No. 208, amendatory of the revenue laws, and providing for the taking of officer's bonds," reported said bill without amendment, and recommend its rejection.

On motion of Mr. Black,

Said bill and report was ordered to the table.

Mr. Goode, from the same committee, to which had been referred, "A bill from the Senate, No. 64, to amend the law for the collection of the State revenue," reported that the committee had had the same under consideration, and had instructed him to report an amendment in lieu of said bill from the enacting clause.

Mr. Williams moved that said bill and amendments be laid on the table, and that one hundred and fifty copies of said amendment be printed for the use of this House; which motion was agreed to.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and rejected on its second reading, "A bill, No. 158, to amend the act of 1806, chap. 4, section 21, prescribing the manner of processioning land;" which bill is herewith transmitted.

The Senate have taken up and read the report of the joint committee on the Penitentiary; which is herewith transmitted in obedience to an order of the Senate.

The Senate have received a deed from Gen. W. Campbell, to the corporation, and the deed of the Mayor of the city of Nashville, to the State of Tennessee, for Campbell's Hill, for a site on which to erect a State House; which deeds are herewith transmitted.

The Senate have taken up and adopted "A resolution, No. 103, in relation to the preservation of the public grounds;" which resolution is herewith transmitted, and the concurrence of the House of Representatives therein is requested.

The Speaker of the Senate has signed enrolled bills from the House, of the following titles, to-wit: "An act to repeal the law requiring the sale of real estate to be advertised in the newspapers."

An act for the relief of securities, endorsers, and stayers, on judgments hereafter rendered; and

An act to annex a portion of the south east corner of Williamson county, to the county of Rutheford; which enrolled bills are herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr. Goode, from the Committee on Enrolments, reported as correctly engrossed, "A bill, No. 135, to incorporate Wirt College, in the county of Sumner;" and

A bill, No. 279, giving further time for the completion of the Hiwassee Railroad.

Ordered that the clerk transmit the same to the Senate.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled bill of the Senate, entitled: "An act to establish a criminal court in the city of Memphis, in the county of Shelby," and for other purposes; which is herewith transmitted, for the signature of the Speaker of the House of Representatives.

The Speaker thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly met in convention in the Representative Hall, pursuant to a resolution adopted by both Houses this day, and proceeded to the election of a Comptroller of the Treasury, to fill the unexpired term of Daniel Graham, who this day resigned his office.

The vote of the two Houses was then taken viva voce in said election; Mr. F. K. Zollicoffer being in nomination as a candidate for said office.

The vote of the House of Representatives in said election was,

FOR MR. ZOLLICOFFER:

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Deavenport, Dearing, Duggan, Goodall, Goode, Gordon, Hamilton, Hodsden, Houston, Humphreys, Jourdon, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer, 45 votes.

FOR MR. MULLAY:

Messrs. Black, Cherry, Cross of Sullivan, Crouch, Eubank, Fisher, Hord, Hughes, Kinney, Lauderdale, Miller of Marshall, Milligan, Scott, Turrey, Walker of Hickman, Wann, and Wyley—17 votes.

FOR MR. GRAHAM:

Mr. Farquharson—1 vote.

FOR MR. RAMSEY

Messrs. McGinnis and Miller of Hardeman—2 votes.

It being reported to the convention by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate was, for Mr. Zollicoffer, 16 votes, and for Mr. Graham 2 votes.

And it appearing that Mr. Felix K. Zollicoffer had received a majority of all the votes given by both Houses in said election, the Speaker of the Senate thereupon declared F. K. Zollicoffer to be duly and constitutionally elected Comptroller of the Treasury to fill out the unexpired term of office of Daniel Graham, resigned.

The business that brought the two houses together being disposed of, Mr. Speaker and gentlemen of the Senate withdrew from the Representative hall, and the House resumed its session.

Mr. Williams, who had withdrawn for amendment, a bill, No. 138, to incorporate the Traders' and Farmers' Bank of Tennessee, returned said bill without amendment.

Said bill was then read a second time.

And the question being taken, "shall the bill pass?" it was determined in the negative.

Yeas,	21
Nays,	42

The ayes and nays being called for by Mr. Miller of Hardeman, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Carson, Cleaveland, Crouch, Dearing, Dugran, Hodsden, Horl, Houston, Hughes, Humphreys, Kinney, Lenoir, Morris, Morrow, Nave, Rawlings, Rodgers, Sherrill, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barriager.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatam, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Deavenport, Eubank, Faquaion, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Mer, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moore, Moorman, Richardson, Roach, Scott, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, and Wyley.

So said bill was rejected.

Mr. Black asked and obtained leave to withdraw for amendment, a bill from the Senate, No. 83, to establish Cumberland University, at Lebanon, Wilson county.

Mr. Goode introduced,

A bill, No. 295, to amend an act entitled an act to establish a State Bank, to raise a fund for internal improvements, and to aid in the establishment of a system of education, and for other purposes; which was read a first time and passed.

Ordered that said bill be referred to the Select Committee on the subject of Revenue.

The House then adjourned.

TUESDAY, DECEMBER 19th, 1843.

The House met pursuant to adjournment.

Mr. Hughes presented a petition, No. 166, from sundry citizens of Polk county, praying the Legislature to require the county commissioners to pay over the balance in their hands to their successors appointed.

ed by the county court of said county; which was read and referred to the Committee on the Judiciary.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred, a bill, No. 253, to alter the county line between the counties of Giles and Marshall, reported that the Committee had had the same under consideration and had instructed him to report said bill with an amendment thereto, and with said amendment to recommend the passage thereof.

Which amendment is as follows: insert after the word "Giles," in the fourth line of the third section the following words: "until the next apportionment of Representatives in the General Assembly."

Which amendment was adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?" and was determined in the affirmative,

Yeas

38

Nays

34

The ayes and noes, No. 225, being called for by Mr. Goode, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bobo, Boddie, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Daggan, Goodall, Goode, Hamilton, Hedsden, Hord, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Rosch, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said bill passed on its second reading.

The House took up a petition from the Senate, No. 103, from sundry citizens of Bledsoe county, praying the repeal of a law passed 1840, making it unlawful to survey land that has been previously appropriated by entry or grant; which was read and laid on the table.

The House took up the report of the joint select committee on the Penitentiary, transmitted from the Senate on yesterday.

Mr. Avery moved that said report be laid on the table, and that 500 copies be printed for the use of this House.

Mr. Black moved a division of the question.

And the question was first taken on laying on the table; which was agreed to by the House.

The question was then taken on agreeing to print 500 copies as moved by Mr. Avery; which was disagreed to by the House.

The House took up a bill from the Senate, No. 91, to amend the law of cost of criminal prosecutions and to diminish the same when chargeable to the the State or county; which bill was read a first time and passed.

The House took up Senate's amendment to a bill of the House, No. 66, providing for the appointment of commissioners of the Bean's Station turnpike road, and for other purposes.

Which amendment is as follows:

Strike out in the 6th line of the first section the words "end of the next regular session of the General Assembly of this State," and insert in lieu thereof the following words "the first Monday in January, 1845."

In which amendment the House concurred.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow, from the Committee on Claims, to which had been referred a resolution, No. 130, directory to the Comptroller of the Treasury, reported that the committee had had the same under consideration and had instructed him to report favorable to the objects of the resolution and to recommend its adoption.

Said resolution was then read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a bill, No. 127, from the Senate to charter the Smithville and Memphis, the La Grange and Memphis, and the Shelby county and Mississippi turnpike companies, reported said bill without amendment and recommended the passage thereof.

Said bill was then read a second time and passed.

Mr. Maury, from the Committee on Enrollments, reported as truly enrolled, an act providing for the appointment of commissioners of the Bean's Station turnpike road, and for other purposes; and a resolution directory to the Comptroller of the Treasury in relation to the issuance of a treasury warrant to the trustee of Fentress county.

The Speaker of this House thereupon signed said enrolled bill and resolution.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred, a bill, No. 287, to incorporate the Richland turnpike company, with instructions, reported that the committee had had the same under consideration and had instructed him to report that there has been much contention about said road and that there had also been two charters already granted for the above road.

Your committee report unfavorably to the bill and recommended an extension of the charter granted to said company under the act of the 3d of February, 1842.

On motion of Mr. Moorman,

Ordered that said bill be recommitted to the committee.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a bill, No. 274, to authorize Frederick H. Stump, Daniel Young, and Micajah H. Wilkerson, of Davidson county, to open a turnpike road, reported that the committee had had the same under consideration and had instructed him to report an amendment thereto constituting the 14th section of said bill, and with said amendment to recommend the passage thereof.

Said amendment is as follows:

Sec. 14, Be it further enacted, That all persons living on the waters of the East fork of White's creek and residing West of Dickenson's Meeting House road, shall not be required to pay more than half toll in traveling to and from Nashville; which amendment was adopted.

Said bill as amended was read a second time and passed.

Mr. Brooks asked and obtained leave to withdraw said bill for amendment.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third reading the following bills:

A bill, No. 46, to provide for the payment of costs in certain cases.

A bill, No. 55, to amend an act entitled "an act to appropriate moneys for the improvement of rivers in East Tennessee"

A bill, No. 121, for the benefit of James Vaughan of Monroe county.

A bill, No. 140, to alter the lines between the counties of Wilson and Cannon.

A bill, No. 147, to incorporate the Mechanics Library Association of Nashville; and

A bill, No. 153, to authorise Anley Harrison and Thomas Gardner to open and keep in repair a turnpike road across the Cumberland Mountain; which bills are herewith transmitted and the concurrence of the House of Representatives in the passage thereof requested.

The Speaker of the Senate has signed an enrolled bill from the House entitled:

An act providing for the appointment of commissioners of the Egan's Station turnpike road and for other purposes; and an enrolled resolution from the House, entitled:

A resolution directory to the Comptroller of the Treasury, in relation to the issuance of Treasury Warrants to the Trustees of Fentress county; which enrolled bill and resolution are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

The House took up the message from the Senate informing this House that the Senate insist upon their amendment to House bill No. 64, to amend an act passed January 26th, 1842, chap. 58, for the benefit of orphans.

Which amendment of the Senate was nonconcurrent in by the House on the 16th inst.

Mr. Moores moved that the House insist upon their nonconcurrence in said amendment of the Senate; which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trimble, from the select committee on the revenues of the State to whom had been referred:

A bill, No. 295, to amend an act entitled "an act to establish a State Bank to raise a fund for Internal Improvements and to aid in the establishment of a system of education and for other purposes, reported that the committee had had the same under consideration and had instructed him to report the same without amendment and to recommend the passage thereof.

Mr. Trott moved that said bill be laid on the table.

Which motion was disagreed to by the House.

On motion of Mr. Maury,

Said bill was laid on the table and made the special order of the day for to-morrow.

Mr. Maury introduced,

A bill, No 296, to provide a sinking fund for the gradual extinction of the public debt.

Said bill was read a first time and passed.

Ordered that said bill be referred to a select committee on the revenue of the State.

Mr. Hodsden, from the select Committee, to which was referred a bill, No. 249, to incorporate the Nashville Dam and Lock Company, returned said bill accompanied with a report favorable to the objects of the bill with an amendment constituting an additional section, and with such amendment to recommend the passage thereof; which amendment is as follows:

SEC 20. *Be it further enacted*, That the individual corporates shall be responsible to the amount of capital owned by each in all cases where an action for damages can be sustained against the corporation; and such action for damages may be prosecuted against one or more of said corporations jointly or severally, and if the defendant or defendants in such action or any of them give notice thereof to the President of the Company at the return term he or they may have remedy over by motion against the corporation for the amount of damages and costs recovered against them, and also for reasonable counsel fees, and on the trial of such motion a jury may be impaneled to ascertain any fact which does not appear in the record of the recovery against the party or parties making the motion; which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, was determined in the negative.

Yeas

31

Nays

41

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bond, Brooks, Cheatham, Cherry, Cross of Madison, Crudup, Deavenport, Fisher, Glenn, Goode, Gordon, Hodsden, Kinney, Lenoir, Marr, Maury, Milligan, Monahan, Morris, Rawlings, Scott, Sherrill Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Lick, Bledsoe, Bobo, Roddie, Bone, Burr, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deering, Duggan, Edwards, Eubank, Farquharson, Garner, Goodall, Hamilton, Hord, Houston, Huddleston, Hughes, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Moores, Morrow, Nave, Richardson, Roach, Rodgers, Smart, Trott, Turney, Walker of Hickman, Warr, William, and Wyley.

So said bill was rejected.

Mr. Richardson, from the Committee on Internal Improvement to which was referred a resolution, No. 136, directory to the President

and Directors of the Branch of the Bank of Tennessee, at Athens, reported that the committee had had the same under consideration and had instructed him to report that the sixth section of the act of 1842, entitled an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District to provide for the payment of the amount to the commissioners and also define the place where and manner in which such amounts are to be paid, and ask to be discharged from the further consideration thereof.

Report concurred in and committee discharged; resolution laid on the table.

On motion of Mr. Hodsdon, the House took up the report of the committee and resolution just laid on the table.

Mr. Hodsdon moved to amend said resolution by adding thereto the following amendment: "and shall also pay to the order of other river commissioners for work actually done on all rivers nearest said Branch Bank;" which amendment was rejected.

Mr. Anderson offered the following amendment in lieu of the original resolution from the word resolved: "That the President and directors of the Branch Bank of Tennessee, at Athens, are hereby directed to pay the just and legal accounts for work and labor done under the act of 1842, appropriating two hundred thousand dollars for the rivers of East Tennessee;" which amendment was adopted.

Said resolution as amended was then adopted.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred, "A bill, 288, to prescribe the manner of giving notice to endorser, and assignors," reported said bill with an amendment in lieu of the whole bill, from the enacting clause, and with said amendment recommended the passage of the same.

Which amendment was adopted.

Said bill, as amended, was then read a second time and passed.

Mr. Anderson presented a petition, No 167, praying the passage of a law, dispensing with the notary public's being required to give notice by message, &c.

Which was read and laid on the table.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred, "A bill, No. 281, to establish a chancery court at Springfield, in Robertson county," reported said bill without amendment, and recommend the passage thereof.

Said bill was then read a second time and passed.

On motion of Mr. Moores,

The House took up "A bill, No. 277, to establish permanently the boundary line between Smith and Macon counties."

Said bill was read a second time and passed.

Mr. Cheatham asked and obtained leave to withdraw for amendment, "A bill, No. 123, to establish the county of Cumberland."

Mr. Farquharson asked and obtained leave to withdraw for amendment, "A bill, No. 99, to revise, condense, and bring into one view the law in relation to Education and Common Schools."

Mr. Black, who had withdrawn for amendment, "A bill from the Senate, No. 88, to establish the Cumberland University, at Lebanon, Wilson county," returned the same without amendment.

Said bill was then read a second time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

On motion of Mr. Goode,

The House took up a resolution from the Senate, No. 103, in relation to the preservation of the public grounds.

Mr. Miller of Hardeman moved to amend said resolution by striking all out of the first resolution after the words "and that he," and insert in lieu thereof the following amendment:

"Rent out the dwelling house and premises upon short terms until the same be needed for the commencing of the building of the capitol, and that he obligate the tenant to take care of the premises and protect the trees and shrubbery from injury, and also to add an additional resolution as follows:

Resolved further, That the deeds for said premises be delivered to the Secretary of State, and that he cause said deeds to be duly registered in the Register's office of Davidson county and file said deed when so registered in the office of Secretary of State.

Pending the discussion on said resolution the House adjourned.

WEDNESDAY, DECEMBER 20th, 1843.

The House met pursuant to adjournment.

The hour of meeting having arrived and no quorum appearing,

On motion of Mr. Fisher,

A call of the House was ordered, and the roll of the House being called over the following members answered to their names:

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Catson, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Jordan, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nava, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley and Mr Speaker Barringer.

On motion of Mr. Bledsoe,

The further call of the House was dispensed with.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a petition from Wm. Rodgers, John Ford, and others, praying for legislative relief, reported that the committee had had the same under consideration and had instructed him to report that inasmuch as the prayer of the petitioners is predicated on a claim against the State, they asked to be discharged from the further consideration thereof and recommend its reference to the Committee on Claims.

Report of Committee concurred in, and petition referred.

Mr. Miller of Hardeman from same committee to which had been referred "A bill, No. 137, to prescribe the duties of chancellors and

judges in certain cases," reported, said bill without amendment, and recommended its rejection.

Said bill was then read a second time and passed.

Mr. Wann submitted the following resolution, No. 150:

Resolved, That the Committee on New Counties and County Lines, be requested to examine into the expediency of altering the county line, between the counties of Hamilton and Rhea, so as to include the 11th district of Hamilton county, in the county of Rhea, and that they report by bill or otherwise.

Said resolution was read, and the 59th rule of the House being suspended, said resolution was adopted.

On motion of Mr. Duggan,

The House took up "A bill, No. 202, authorising and allowing appeals from the decisions of county courts in certain cases.

Said bill was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative.

Yeas

69

Nays

2

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Hamilton, Hadsden, Hord, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Maury, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Brooks, and Hughes.

So said bill passed on its third and last reading, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Cross of Madison,

The House took up

A bill, No. 124, to establish West Tennessee College at Jackson.

Said bill was then read a third time and passed.

Ordered that the same be engrossed and transmitted to the Senate.

On motion of Mr. Gordon,

The House took up, a bill, No. 237, to authorise the sale of certain real estate in the town of Williamsport.

Said bill was then read a second time and passed.

Mr. Gordon asked and obtained leave to withdraw said bill for amendment.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and adopted the following resolutions:

A resolution, No. 94, directory to the Committee on Banks.

A resolution, No. 105, directory to the Attorney General and Reporter.

A resolution, No. 106, directory to the keeper of the Penitentiary.

Which resolutions are herewith transmitted, and the concurrence of the House of Representatives therein requested.

The Senate have taken up and passed on their third reading the following bills:

A bill, No. 78, to change the time of holding the chancery and circuit courts therein named.

A bill, No. 101, to establish the time for completing the La Grange and Memphis Railroad, and the Branch from Macon to Somerville.

A bill, No. 148, for the relief of Sheriffs in certain cases.

A bill, No. 165, to establish the seat of justice of Putnam county.

A bill, No. 157, for the benefit of the owners of land through which the Hiwassee Railroad runs, and for other purposes.

A bill, No. 104, to authorize the county court of Blount county to permit the erection of mills and other water works in certain cases; and

A bill, No. 179, to authorize the county courts of Morgan county and Fentress county, to appoint commissioners on Scott's Turnpike road leading through said counties.

Which bills are herewith transmitted, and the concurrence of the House in the passage thereof is requested.

The Senate have taken up and passed on their third reading, the following bills from the House with sundry amendments thereto:

A bill, No. 82, to refund to Sheriffs revenue improperly paid by them.

A bill, No. 108, to amend an act entitled "an act to carry into effect, an act passed the 18th day of February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands South and West of the Congressional reservation line in this State; and

A bill, No. 191, to amend the laws of this State regulating the practice in the chancery courts and reducing the expenses of the same.

Which bills and amendments are herewith transmitted and the concurrence of the House therein is requested.

The Senate have received and read the memorial of Samuel Martin of Knox county relating to a subject of much importance; which memorial is herewith transmitted.

On motion of Mr. Goode,

The House took up a resolution from the Senate, No. 106, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the keeper of the Penitentiary be and he is hereby directed to receive with Precilla Childress, a convict from the county of Giles, her infant child and have the same taken care of.

In which resolution the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up the memorial from the Senate of Samuel Martin of Knox county, relating to subjects of much importance: which was read and laid on the table.

The House took up Senate's amendment to a bill from the House, No. 82, to refund to sheriffs revenue improperly paid by them; which amendment is as follows:

Sec. 2. Be it further enacted, That hereafter it shall and may be lawful for the Comptroller of the Treasury to audit and settle with any sheriff or any person who may have been sheriff, for any amount paid by said sheriff or any other person any sum or sums of money which said sheriff or other person may have wrongfully paid, and upon auditing and settling said claim the Comptroller may refund said sum wrongfully paid in order that said sheriff be allowed a credit for the sum so previously paid on his next settlement; in which amendment of the Senate the House of Representatives nonconcur.

Ordered that the clerk acquaint the Senate therewith.

The House took up, Senate's amendment to a bill from the House, No. 52, to amend an act entitled an act to carry into effect an act of Congress passed and approved the 18th day of February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line in this State.

Which amendments are as follows, constituting the 4th and 5th sections of said bill:

Sec. 4. Be it further enacted, That when any plot and certificate have not been recorded and have been lost, it shall and may be lawful for the party interested to set up and establish the same by the production to the entry taker in the county in which lands are situated, of his own affidavit, stating such loss and the statement upon oath of the surveyor who made the survey, or in case of his absence or removal from the county, of two disinterested credible witnesses, containing the substance of said plot and certificate and accompanied with a copy of such plat.

Sec. 5. Be it enacted, That each and every person residing south and west of the Congressional reservation line who can make it appear to the satisfaction of the entry taker he or she is father or mother of seventy legitimate children, shall be entitled to an occupant claim of two hundred acres of land within the said limits, provided it does not interfere with the claim or claims of other persons, provided they pay the fees of the several officers as other persons for making said entry.

In which Senate's amendment the House of Representatives concur.

Ordered that the clerk acquaint the Senate therewith.

Mr. Cleveland, from the Committee on the Fees of County Officers, to which had been referred: "A bill, No. 212, to reduce the fees of certain county officers, reported said bill without amendment, and recommended its rejection, and had also instructed him to report the following bill in lieu thereof, and to recommend their passage: . . .

A bill, No 297, to define fees in chancery; and

A bill, no 298, to define the fees of constables and Registers.

Said bills were severally read a first time and passed.

Mr. Huddleston offered the following amendment to bill, No. 298: That in all cases when the register of any county in this State,

shall register a deed before the State tax is paid to the clerk; he shall be bound to pay said tax, and it shall be the duty of the Register to make quarterly settlements with the clerk of the county court, and pay over to said clerk, all the State tax arising on said deeds, and on failing to make such settlements and payment, shall be liable to indictment, and punished as in other cases of misdemeanor.

Ordered that said bills be referred to the select committee on the Fees of County Officers.

A message from the Senate, by Mr. Corke, their clerk:

MR SPEAKER: The Speaker of the Senate has signed an enrolled resolution of the Senate, entitled, "A resolution directory to the keeper of the Penitentiary;" which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trott moved to reconsider the vote of the House taken on yesterday, rejecting "A bill, No. 138, to incorporate the Farmers' and Traders' Bank of Tennessee."

Mr. Sherrill asked and obtained leave to withdraw for amendment, "A bill from the Senate, No. 8, to abolish the office of Superintendent of Public Instruction."

Mr. Deavenport asked and obtained leave to withdraw for amendment, "A bill No. 213, to amend the act of 1842, chapter 34, accepting the agency created by the act of Congress, of the 18th of Feb. 1841, in relation to the vacant and unappropriated lands south and west of the congressional reservation line."

Mr. Hughes asked and obtained leave to withdraw for amendment, "A bill, No. 216, to authorize John F. Hannah, and Company, to open a turnpike road."

Mr. Crudup asked and obtained leave to withdraw for amendment, "A bill, No. 114, to amend and explain the act of 1842, chap. 31."

Mr. Williams asked and obtained leave to withdraw for amendment, "A bill, No. 138, to incorporate the Farmers' and Traders' Bank of Tennessee."

On motion of Mr. Carron,

The House took up the motion made by Mr. Cleveland, to reconsider the vote of the House taken on the 8th inst., rejecting, "A bill, No. 58, to continue the encouragement of the culture of silk, in the State of Tennessee."

Said motion to reconsider, was agreed to by the House.

A message in writing, was received from his Excellency the Governor of this State, by John S. Young, Secretary of State; which was read at the clerk's table as follows:

EXECUTIVE 'E RTM NT,
Nashville, Dec. 20, 1843.

Gentlemen of the Senate, and
House of Representatives:

Having understood that there were as many convicts in the State prison, as there were cells prepared, I addressed a note to the keeper

of the prison, calling on him for information, and have in reply received the communication herewith transmitted.

JAMES C. JONES.

The following communication from the agent of the Penitentiary, accompanying said message, was read and is as follows:

OFFICE, TENNESSEE PENITENTIARY,
December 23, 1843. }

HIS EXCELLENCY JAMES C. JONES:

SIR: Yours of this day's date is before me, requesting me to give the number of convicts now in confinement in the Penitentiary, and whether we have cells for the accommodation of more. In reply, I beg leave to state the whole number of convicts now in the prison is two hundred and four, and that there are two hundred cells. It is proper to add that there are generally from four to six invalids in the hospital, (the latter number at present) and two females confined in the front building, over the office; which leaves at this time four cells unoccupied.

Very respectfully,

H. J. ANDERSON, Agent.

Said message and accompanying communication above, were laid on the table.

On motion of Mr. Deavenport,

The House took up his motion, made on the 11th inst., to reconsider the vote of the House rejecting, "A bill from the Senate, No. 15, to establish two terms of the circuit court, annually, to diminish the expenditures in the administration of justice, and for other purposes;" which motion to reconsider was agreed to by the House.

Mr. Black moved a call of the House; which motion was agreed to.

On motion of Mr. Roach,

The further call was dispensed with.

Mr. Trott then moved the previous question; which being seconded by a majority of all the members present, the question was then taken "shall the main question be now put," and agreed to.

And the question being taken, "shall the bill pass?" and was determined in the affirmative,

Yeas	37
Nays	36

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Crouch, Deavenport, Dearing, Duggan, Edwards, Garner, Goodall, Goode, Hodsden, Hord, Huddleston, Humphreys, Jourdan, Kinney, Lenoir, Marr, McGinnis, Milligan, Morrow, Nave, Rodgers, Scott, Sherrill, Smart, Trott, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Cheatham, Cherry, Cross of Sullivan, Crudup, Eubank, Fisher, Glen, Gordon, Hamilton, Hughes, Lauderdale, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Polk, Richardson, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Baringer.

Said bill passed on its third and last reading in this House

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow moved a reconsideration of the vote of the House just taken, passing said bill.

The House took up a resolution from the Senate, No. 103, in relation to the preservation of the public grounds, the amendment offered by Mr. Miller of Hardeman, being under discussion, when the House adjourned last evening.

Pending the discussion on said amendment, the House adjourned.

AFTERNOON SESSION.

On motion of Mr. Nave,

The House took up "A bill, No. 109, to amend an act authorising Ansel Carden to build a trestle bridge around Smith's Hill, on Watauga river, in Carter county.

On motion of Mr. Avery,

The House took up "A bill, No. 133, authorising the Memphis and LaGrange Railroad company, to relinquish their right of way through Memphis, if they deem it expedient."

On motion of Mr. Boddie,

The House took up "A bill to charter a company to construct a turnpike road from Gallatin in Sumner county, by way of Hartsville, to Carthage, in the county of Smith, to be called the Gallatin and Carthage turnpike company.

Said bills were severally read a third time and passed, and ordered to be engrossed and transmitted to the Senate.

Mr. Hord moved a reconsideration of the vote of the House taken on yesterday, rejecting "A bill, No. to incorporate the Nashville Dam and Lock Company."

The House took up the motion made by Mr. Morrow on this morning, to reconsider the vote of the House, taken to day on the passage of "A bill from the Senate, No. 15, to establish two terms of the circuit court, annually, to diminish the expenditures of the administration of justice, and for other purposes."

Mr. Trott moved a call of the House; which motion was agreed to.

The roll was then called.

On motion of Mr. Miller of Hardeman,

The further call of the House was dispensed with.

And the question being taken on agreeing to said motion, it was determined in the affirmative.

Yeas,

Nays,

41

38

The ayes and nays No. 229, being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Bone, Cheatham, Cherry, Cross of Madison, Eubank Farquharson, Fisher, Glenn,

Bobo, Gordon, Hamilton, Hughes, Lauderdale, Maury, McGinnis, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bobo, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Garner, Goodall, Hodsden, Hord, Houston, Huddleston, Jourdan, Kinney, Lenoir, Marr, Milligan, Nave, Rodgers, Scott, Sherrill, Smart, Trott, Wheeler, and Williams.

So said motion to reconsider was agreed to by the House.

Mr. Brooks moved that said bill be laid on the table.

And the question being taken on agreeing to said motion, it was determined in the negative,

Yeas	27
Nays	47

The ayes and noes, No. 230, being called for by Mr. Miller of Hardeman, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Brooks, Burrus, Carson, Coggin, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Hodsden, Houston, Huddleston, Jourdan, Kinney, Lenoir, Morris, Morrow, Nave, Scott, Sherrill, Smart, Trott, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Lack, Bledsoe, Boddie, Bond, Bone, Heatham, Cherry, Cleaveland, Cross of Madison, Crudup, Dearing, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hord, Hughes, Lauderdale, Marr, Maury, Miller of Hardeman, Miller of Marshall, McGinnis, Milligan, Moores, Moorman, Polk, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley.

So the House refused to lay said bill on the table.

Mr. Trott moved the previous question; which being seconded by majority of all the members present, the question was then taken on the main question being put, and determined in the affirmative.

The main was then put "shall the bill pass?" and determined in the affirmative.

Yeas	36
Nays	39

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Edwards, Garner, Hodsden, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lenoir, Marr, McGinnis, Milligan, Morrow, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trott, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Cheatham, Cherry, Cross of Madison, Crudup, Eubank, Farquharson, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hughes, Lauderdale, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Polk, Richardson, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wyley and Mr. Speaker Barringer.

Said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Goodall moved a reconsideration of the vote just taken, rejecting said bill.

And the question being taken on said motion, it was determined in the negative.

Yeas

35

Nays

38

The yeas and nays, No. 232, being called for by Mr. Miller of Hardeman, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Edwards, Goodall, Hodsdon, Hord, Houston, Huddleston, Jordan, Kinney, Lenoir, Marr, Milligan, Moores, Morris, Morrow, Nave, Richardson, Rodgers, Scott, Sherrill, Smart, Trott, Wheeler, Williams and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Cheatham, Cherry, Cross of Madison, Crudup, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hughes, Lauderdale, Maury, McGinnis, Miller of Hardeman, Miller of Marshall, Moorman, Polk, Rawlings, Roach, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So the House refused to reconsider the vote as moved by Mr. Goodall.

On motion of Mr. Lenoir,

The House took up a bill from the Senate, No. 78, to provide in certain cases for the disposition of slaves acquitted of felony on the plea of insanity.

Said bill was read a second time and passed.

Mr. Morrow, who had withdrawn for amendment, a bill from the Senate, No. 155, for the relief of delinquent officers in certain cases, returned said bill with the following amendment:

Sec. 2. *Be it further enacted*, That in all cases where execution may have or shall be hereafter issued against any collector of county revenue and his securities, in favor of the county for failing to pay over the county revenue, the county court shall have power to direct that such county claims as may have been issued for the time for which such collector or securities may be liable, shall be received as money upon bids when offered upon property exposed to sale to satisfy such payment.

Which amendment was adopted.

Said bill as amended, was then read a second time and passed.

Mr. Trimble, from the select committee on the revenue of the State, to which had been referred :

A bill, No. 295, to amend an act entitled "an act to establish a State Bank to raise a fund for Internal Improvements and to aid in the establishment of a system of education, and for other purposes," reported said bill with an amendment as follows: "Strike out of the second section in the first and second lines the words "shall be the duty of," and insert in lieu thereof "may be lawful for," and with said amendment recommend the passage thereof.

Mr. Walker of Williamson offered the following amendment in lieu of the first section of the bill:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of 1838, chap. and section be so amended that hereafter the Bank of Tennessee be only required to set apart six per cent. upon the common school fund in said Bank to common schools instead of one hundred thousand dollars, as now required by said act.

Mr. Farquharson moved that said bill and amendment be indefinitely postponed.

Pending the discussion on said motion, the House adjourned.

THURSDAY, DECEMBER 21st, 1843.

The House met pursuant to adjournment.

Mr. Carson presented a petition, No. 168, from sundry citizens of Jefferson county, remonstrating against being attached to the county of Hawkins.

Which was read and laid on the table.

Mr. Houston presented a petition, No. 169, from sundry citizens of Claiborne county, praying the Legislature to establish a new county.

Which was read and laid on the table.

Mr. Lenoir presented a petition, No. 170, from Samuel Martin, praying the establishment of a manual labor school and offering the use of a farm for five years for the use of said school.

Mr. Morrow presented a petition of sundry citizens of Hamilton county praying Legislative relief for James M. Anderson, sheriff for said county.

Mr. Hamilton presented a petition, No. 175, from the President and Directors of the Lebanon and Sparta turnpike company, praying for Legislative relief for said company.

Mr. Trice presented a petition, No. 176, of sundry school commissioners of the 35th school district of McNairy county, praying the passage of a law authorizing the payment of twenty-one hundred dollars to Thomas R. Beck.

Which petitions were severally read and ordered to be transmitted to the Senate.

Mr. Rodgers presented petition No. 172, of the securities of J. T. Bradley, late sheriff of White county, praying for Legislative relief.

Which was read and referred to the Committee on Claims.

Mr. Bobo presented a petition, No. 173, from the directors of the Pelham and Jasper turnpike road, praying an alteration in the charter of said road; which was read and referred to the Committee on Internal Improvements.

Mr. Black presented a petition No. 174, from 234 citizens of Bedford county, praying the Legislature to pass an act giving a premium for killing crows; which was read and referred to the Committee of Ways and Means.

Mr. Rodgers submitted the following resolution, No. 151:

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Comptroller of the Treasury to settle the account of the former sheriff of White county, Jonathan T. Bradley, Esq., for the taxes for the years 1840 and 1841, which has been reported for collection, and that in making such settlement he shall be authorised to allow all just and equitable credits for insolvencies, which shall be furnished either by the affidavit of such sheriff or from the records of the county of White: Provided further, that the securities of said Bradley may be authorised to make their notes payable in the Branch Bank of Tennessee, at Sparta, on the same terms that were granted to the securities of B. S. Mabry, former sheriff of Wilson county, for any balance that may be due the State; which was read and referred to the Committee on Claims.

Mr. Trice submitted the following resolution, No. 152:

Resolved by the General Assembly of the State of Tennessee, That the common school commissioners of the 35th school district in the county of McNairy, be and they are hereby authorised to pay over to Thomas R. Beck, the sum of twenty-one dollars, it being a balance due him for teaching school in that district for the year 1841, out of the school fund in their hands; which was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Enrolments, reported as correctly engrossed the following bills:

A bill, No. 109, to amend an act authorising Ansel Carden to build a toll bridge around Smith's hill, on the Watauga River, in Carter county.

A bill, No. 124, to establish West Tennessee College, at Jackson.

A bill, No. 153, authorising the Lagrange and Memphis railroad Company to relinquish their right of way through the town of Memphis.

A bill, No. 169, to charter a company to construct a turnpike road from Gallatin, in Sumner county, by the way of Hartsville, to Carthage in the county of Smith, to be called the Gallatin and Carthage turnpike company; and

A bill, No. 202, authorising and allowing appeals from the decisions of county courts in certain cases.

Mr. Maury, from same committee, reported as truly enrolled, an act to amend an act entitled "an act to carry into effect an act of Congress passed and approved the 18th day of February, 1841, authorising the

State of Tennessee to perfect titles to the vacant and unappropriated lands South and West of the Congressional reservation line in this State.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Morrow, from the Committee on Claims, to which had been referred a petition, No. 158, of Anderson Cheatham, praying Legislative relief as the security of Sterling Brewer and John Cheatham, reported that the committee had had the same under consideration and had instructed him to report that the prayer of the petition is reasonable and ought to be granted, and had also instructed him to report the following resolution and recommend its adoption.

Resolved by the General Assembly of the State of Tennessee, That Joseph Philips, trustee, in a deed of trust executed by Anderson Cheatham on the 1st day of April, 1831, for the benefit of the State of Tennessee, be and he is hereby instructed and required to reconvey to the said Anderson Cheatham, the balance of the property in said deed of trust, which has not been sold and conveyed under the provisions of said deed.

Mr. Morrow moved to amend said resolution by adding the following amendment "and the parties are hereby released and discharged from the payment of the balance of said debt;" which amendment was adopted.

Said resolution as amended was then read and adopted.

Ordered that the clerk acquaint the Senate therewith, and that petition No. 158 accompany said resolution.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred, a bill from the Senate, No. 63, to refund to White county the interest upon the common school fund, improperly paid over under the act of 1837—8, with sundry amendments thereto,

Reported that the committee had had the same under consideration, and asked to be discharged from the further consideration thereof.

Mr. Moares moved to amend said bill by an amendment in lieu of the whole bill from the enacting clause, which provides for the payment of all such moneys to the different counties in the State that are entitled to the same having paid up the principal of said school funds; which amendment was adopted.

Mr. Farquharson offered the following amendment:

"Provided always, That no interest shall be paid over unless the interest that may have accumulated shall be sufficient to first pay the principal."

Mr. Black moved that said bill and amendments be indefinitely postponed; which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow, from the Committee on Education and Common Schools, to which had been referred, a bill, No. 242, to equalize more effectually to each county and district, the school fund in this State; reported the same without amendment, and recommend the passage thereof.

On motion of Mr. Brooks,

Said bill and report were laid on the table.

Mr. Hodsdon, from the same committee, to which had been referred, a bill, No. 252, to repeal an act to amend an "act incorporating Union Seminary, in Maury county," passed Feb. 5th, 1842; reported said bill without amendment and recommend its passage; said bill was then read a second time and passed.

Mr. Hodsdon, from the same committee, to which had been referred, a bill, No. 193, to incorporate the Jackson Seminary, in the county of Jackson; reported said bill without amendment, and recommended the passage thereof.

Said bill was then read a third time and passed, and ordered to be engrossed and transmitted to the Senate.

Mr. Trimble, from the Select Committee on the revenue of the State, to which had been referred, a bill, No. 265, to raise additional revenue, and to preserve the public faith and credit; reported that the committee had had the same under consideration, and had instructed him to report an amendment in lieu of the whole bill from the enacting clause, and with said amendment to recommend the passage thereof.

Ordered that said bill take its place on the calendar amongst the bills on their second reading.

Mr. Deavenport, who had withdrawn for amendment, a bill, No. 212, to amend the act of 1842, chapter 34, accepting the agency created by the act of Congress of the 18th day of February, 1842, in relation to the vacant and unappropriated lands south and west of the Congressional reservation line; returned said bill without amendment.

Said bill was then read a second time and passed.

Mr. Goode, who had withdrawn for amendment, a bill, No. 237, to authorize the sale of certain real estate in the town of Williamsport.

Returned the same with the following amendment:

Strike out in the second line of the first section, and in the first line of the second section the words "Superintendent of Public Instruction," and insert in lieu thereof the word "Comptroller."

Which amendment was adopted.

Said bill was then read as amended a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Miller,

The House took up, a bill, No. 145, to protect the funds of the Bank of Tennessee.

Ordered that said bill be referred to the Committee on Banks.

Mr. Trott introduced a bill, No. 299, for the relief of the new counties; which was read a first time and passed.

On motion of Mr. Trott,

Said bill was referred to a select committee of five members.

The Speaker thereupon announced the appointment of Messrs. T. Coggin, Marr, Bobo, and Wyley on said committee.

Mr. Williams, who had withdrawn for amendment, a bill, No. 138, to incorporate the 'Trailers' and Farmers' Bank of Tennessee; returned same with an amendment thereto in lieu of the whole bill from the enacting clause, which provides for the charter of the Bank of East Tennessee, the stock to be taken by individuals.

Which amendment was adopted.

Said bill as amended was then read a second time and passed.

On motion of Mr. Rodgers,

Ordered that said bill be referred to a select committee to consist of seven members.

The Speaker thereupon announced the appointment of Messrs. Rodgers, Morris, Hodsden, Humphreys, Kinney, Hord, and Lenoir to compose said committee.

On motion of Mr. Miligan,

The House took up, a resolution, No. 131, directory to his Excellency the Governor of the State, submitted by him on the 4th inst.—Said resolution was then read and adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Enrolled Bills, reported as correctly engrossed a bill, No. 237, to authorize the sale of certain real estate in the town of Williamsport.

Mr. Rodgers introduced a bill, No. 300, to establish a Penitentiary in East Tennessee; which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Penitentiary.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and rejected, a bill from the House, No. 73, for the relief of Joseph Newman, sheriff of Franklin county.

Which bill is herewith transmitted.

The Senate have taken up and passed on their third reading with sundry amendments thereto, the following bills from the House:

A bill, No. 122, to establish the county of Lewis; and

A bill, No. 135, to incorporate Wirt College, in the county of Sumner.

Which bills and amendments are herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have taken up and passed on its third reading without amendment, a bill from the House, No. 273, to define the line dividing the counties of Sumner and Robertson, and the counties of Perry and Benton; which bill is herewith transmitted.

The Senate have taken up and passed on its third reading, a bill No. 138, to preserve the faith and credit of the State to raise revenue and preclude the necessity of reducing the amount distributed annually under the existing laws for the support of common schools; which is herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed an enrolled bill from the House entitled, "an act to amend an act entitled an act to carry into effect an act of Congress passed and approved the 18th February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands south and West of the Congressional reservation line in this State; which enrolled bill is herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

On motion of Mr. Moores,

The House took up, a bill, No. 277, to establish permanently the boundary line between Smith and Macon counties; which was read a third time and passed and ordered to be engrossed and transmitted to the Senate.

Mr. Bobo submitted a resolution, No. 154:

Resolved by the General Assembly of the State of Tennessee, That the board of Internal Improvements be and they are authorised upon such terms as they shall deem equitable and advantageous to the interest of the State to compromise and settle with the Mumfreesboro, Manchester, and Winchester turnpike company, all the claims and rights and matters of disagreement which have arisen between said company and the State in regard to said road, and to compromise any suit or suits or cause for suit or suits which may have arisen in the affairs of said company for the surrender of the charter for any portion of said road so as to sink the State subscription and cancel the same for so much of said road for which the charter may be so surrendered.

Said resolution was read, and the 59th rule being suspended, the resolution was adopted.

Ordered that said resolution be referred to the Committee on Internal Improvements.

Mr. Farquharson, who had withdrawn for amendment, a bill, No. 99, to revise, condense, and bring into one view the law in relation to education and common schools, returned said bill with an amendment constituting an additional section to the bill and making the 47th section; which amendment was adopted.

Mr. Crudup moved to amend said bill by striking out the 11th section of the bill; which motion to strike out was rejected.

Mr. Crudup then moved to strike out the 15th section; which was agreed to by the House.

Mr. Farquharson then offered the following amendment:

Be it enacted, That the special acts in relation to common schools and school land commissioners in Lincoln and other counties, and the special acts in relation to common schools in the Hiwassee and Ocoee districts, shall not be repealed by this act but the same shall be amendatory to said act regulating common schools in said counties and districts; which amendment was adopted.

Mr. Lenoir offered an amendment constituting an additional section to the bill; which provides that the circuit court clerk and county register, the county trustee and chairman of the county court shall constitute a board of examination, any three of them being competent to examine into the qualifications of the applicant for teaching, and they shall give him a certificate setting forth the branches he is able to teach; and the board of examination shall be entitled to one dollar and fifty cents from such applicant for said certificate, and that the school commissioners shall not employ any teacher without he has such certificate; which amendment was rejected.

Mr. Farquharson offered the following amendment:

Be it enacted, That when the population of any district is scattered and lies remote from the place where the district school is established,

and such portion of the population by themselves or in common with citizens of any other district or districts desire to have a separate school house and furnish a list of twenty scholars or more to the commissioners, the person who so applying having the said twenty scholars within the age prescribed by law, shall be entitled to their relative share of said fund to be expended for the benefit of said separate school under the direction of said commissioners; which amendment was adopted.

Mr. Brooks moved the previous question; which motion not being seconded by a majority of all the members present, said motion was disagreed to by the House.

Mr. Carson moved to amend the 19th section of the bill by inserting after the words "fraction of township," in the first line of said section the following: "or school district," and also insert after the word "concerning them," in the sixth line the following: "to alter or change the line of any school district in the county when upon application it may appear to them right and proper to make such alteration or."

Which amendment was adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative,

Yeas

38

Nays

33

Those who voted in the affirmative are,

Messrs. Antersoa, Black, Carson, Cherry, Cleveland, Coggin, Crouch, Dearr, Duggan, Eibank, Farquharson, Fisher, Garner, Glenn, Hord, Houston, Huddleston, Kinney, Lenoir, Marr, McGinnis, Miller of Marshall, Miligan, Moores, Morris, Morrow, Nave, Rodgers, Scott, Sherrell, Smart, Trice, Trott, Turney, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsue, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Edwards, Goddall, Goode, Hamilton, Hughes, Humphreys, Lauderdale, Maury, Miller of Hardeman, Moorman, Polk, Rawlings, Richardson, Roach, Triable, Turner, Tyler, Walker of Hickman, Walker of Williams, and Wheeler.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

Mr. Moores moved to amend the caption of the bill.

Which motion was disagreed to by the House.

Mr. Sherrell moved a reconsideration of the vote of the House just taken on the passage of said bill.

On motion of Mr. Coggin, he was excused from serving on the select committee, to which had been referred a bill, No. 299, for the relief of new counties.

The Speaker then appointed Mr. Hughes as one of said committee.

Mr. Brooks moved a reconsideration of the vote of the House today rejecting a bill from the Senate, No. 63, to refund to White county the interest upon the common school fund improperly paid over under the act of 1837--8.

On motion of Mr. Richardson,

The House took up a bill from the Senate, No. 188, to preserve the faith and credit of the State, to raise revenue, and to preclude the necessity of reducing the amount distributed annually under the existing laws for the support of common schools.

Said bill was then read a third time and passed.

Ordered that said bill be referred to the select committee on the revenue of the State.

The House took up Senate's amendment to House bill, No. 122, to establish the county of Lewis.

Which amendment is as follows: Strike out in the 2d line of the 3d section the name of William McAnaly and insert in lieu thereof the name of Phadric Morris. 2d. Fill the blank in the 12th section with the 4th Mondays in March, July, and November.

In which Senate's amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up the Senate's amendment to a bill from the House, No. 135, to incorporate Wirt college, in the county of Sumner.

Which amendment was as follows:

1st. Strike out of the second section in the ninth line the word "perpetual," and insert "for a period of five hundred years;" 2d. Strike out in the fifth section and twelfth line the words "imperpetual," and insert in lieu thereof "for a period of five hundred years."

Which amendments were severally concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

FRIDAY, DECEMBER 22, 1843.

The House met pursuant to adjournment.

Mr. Coggin presented a petition, No. 177, from sundry citizens of Kalb county, remonstrating against paying toll on the turnpike road in said county when going to and from church, mill, &c.; which petition was read and laid on the table.

Mr. Maury, from the Committee on Enrolments, reported as correctly engrossed, a bill, No. 198, to establish Jackson Seminary, in the county of Jackson; and

A bill, No. 277, to establish permanently the boundary line between Smith and Macon counties.

Mr. Morrow, from the same Committee, reported as truly engrossed the following bills:

An act to incorporate Wirt college, in the county of Sumner.

An act to establish the county of Lewis; and

An act to define the line dividing the counties of Sumner and Robertson, and the counties of Perry and Benton.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third reading, the following bills:

A bill, No. 86, to aid in the establishment of an institution for the instruction of the blind, and deaf and dumb.

A bill, No. 168, to change the time of holding certain circuit and chancery courts.

A bill, No. 173, to repeal the act of 1824, chap. 20, and for other purposes; and

A bill, No. 187, to authorise the Planters' Bank of Tennessee, to declare certain dividends; which bills are herewith transmitted, and the concurrence of the House of Representatives in the passage thereof is requested.

The Senate have taken up the message from the House, informing the Senate of the nonconcurrent action of the House in the amendment of the Senate to, "A bill from the House, No. 82, to refund to Sheriffs, revenue improperly paid by them."

And I am directed to inform the House that the Senate, after further consideration, insist upon their amendment to said bill.

The Speaker of the Senate has signed enrolled bills from the House of the following titles, to wit:

An act to establish the county of Lewis.

An act to incorporate Wirt College, in the county of Sumner; and

An act to define the line dividing the counties of Sumner and Robertson, and the counties of Perry and Benton; which enrolled bills are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Cleaveland, from the select committee on Fee Bills, to which had been referred, "A bill, No. 297, to define fees in chancery," reported said bill without amendment, and recommend the passage thereof.

Mr. Morrow moved to amend the bill by striking out, as the compensation for every petition or motion in writing, "eight cents," and inserting in lieu thereof "ten cents;" which amendment was adopted.

Mr. Trott moved to amend said bill by striking out all after the enacting clause, and inserting in lieu thereof the following amendment:

"That the clerks and masters of the chancery courts in this State shall receive for taking and stating accounts and reporting thereon two dollars for the first copy sheet and one dollar for every subsequent one."

Mr. Walker of Hickman then moved the previous question; which being seconded by a majority of all the members present, the question was then taken "shall the main question be now put?" which being agreed to, the main question was then taken, "shall the bill pass?" it was determined in the affirmative.

Yeas

41

Nays

30

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Boho, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup,

Deavenport, Dearing, Edwards, Garner, Goodall, Gordon, Hamilton, Houston, Huddleston, Lenoir, Marr, McGinnis, Miller of Marshall, Milligan, Morris, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Trott, Turner, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative were,

Messrs. Alexander, Avery, Boddie, Bond, Burrus, Cherry, Crouch, Duggan, Eubank, Farquharson, Fisher, Goode, Hodsdon, Hord, Hughes, Humphreys, Kinney, Lauderdale, Maury, Miller of Hardeman, Moores, Moorman, Morrow, Trice, Trimble, Turney, Tyler, Walker of Hickman, and Walker of Williamson.

So said bill passed on its second reading in this House.

Mr. Fisher asked and obtained leave of absence for Mr. Smart until Tuesday next.

Mr. Cleveland from the select committee to which had been referred, a bill, No. 298, to define the fees of constables and registers and the amendment thereto offered by Mr. Huddleston, reported that the committee had the same under consideration, and had instructed him to report said bill with the amendment and to recommend the passage thereof.

Which amendment was adopted.

Mr. Farquharson moved to amend the second section of the bill by striking out in the sixth line "twenty cents," and inserting in lieu thereof "ten cents."

Mr. Trott moved a division of the question.

The question was then taken on striking out and was disagreed to by the House.

Mr. Huddleston moved to strike out the second section of the bill; which was disagreed to by the House.

Mr. Brooks moved that said be indefinitely postponed.

And the question being taken on said motion, it was determined in the affirmative, yeas 36, nays 35,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Cross of Sullivan, Crouch, Cudup, Duggan, Edwards, Fisher, Hodsdon, Hord, Hughes, Humphreys, Lauderdale, Marr, Maury, Miller of Hardeman, Moores, Moorman, Morrow, Polk, Rawlings, Scott, Trice, Trimble, Trott, Turner, Tyler, Walker of Hickman, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Burrus, Carson, Cleveland, Cross of Madison, Deavenport, Dearing, Eubank, Farquharson, Garner, Goodall, Goode, Gordon, Hamilton, Houston, Huddelston, Jourdan, Kinney, Lenoir, Miller of Marshall, Milligan, Morris, Nave, Richardson, Roach, Rodgers, Sherrill, Turney, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was indefinitely postponed.

Mr. Avery, from the Select Committee on the Memphis Hospital, to which had been referred, a bill from the Senate, No. 72, for the benefit of the Memphis Hospital, with instructions, reported said bill without amendment and recommend the passage thereof.

Said bill was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative, yeas 52, nays 17.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsden, Hughes, Humphreys, Joudan, Kinney, Lauderdale, Lenoir, marr, maury, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Roach, Scott, Sherrill, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Carson, Edwards, Eubank, Goodall, Hord, Houston, Huddleston, Nava, Richardson, Rodgers, Turner, Wheeler, and Wyley.

So said bill passed on its third and last reading.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trimble, from the Select Committee on Revenue, to which had been referred, a bill from the Senate, No. 183, to preserve the faith and credit of the State, to raise revenue, and to preclude the necessity of reducing the amount distributed annually under the existing laws for the support of common schools, reported that the committee had had the same under consideration and had instructed him to report said bill with an amendment thereto, and with said amendment to recommend the passage thereof: "Insert after the word "property," in the sixth line of the bill the following amendment, "so enumerated in said act of 1935,—6, and so added thereto;" which amendment was adopted.

Said bill as amended was then read a second time and passed.

Mr. Morrow, from the Committee on Claims, to which had been referred a resolution, No. 118, directory to the Comptroller of the Treasury, reported that the committee had had the same under consideration and had instructed him to report favorable of the objects of the resolution and recommend the passage thereof; said resolution was then read a second time and passed.

Mr. Maury introduced, a bill, No. 301, to amend an act entitled "an act to establish a State Bank to raise a fund for Internal Improvements and to aid in the establishment of a system of education and an act supplemental thereto; which was read a first time and passed.

Ordered that said bill be referred to the select committee on revenue.

Mr. Duggan introduced "A bill, No. 302, to prevent the encouragement and stirring up law suits; which was read a first time and passed.

Mr. Duggan introduced "A bill, No. 303, to charter Sevier county turnpike road; which was read by its title, a first time and passed.

Mr. Bond, from the Committee on Enrolments, reported as truly enrolled: "A resolution directory to Joseph H. Tabbott, attorney for the 11th judicial district

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the same be transmitted to the Senate, for the signature of the Speaker thereof.

On motion of Mr. Farquharson,

The House took up the motion of Mr. Sherrill, made on yesterday, to reconsider the vote of the House, taken on the 21st inst., on the passage of "A bill, No. 99, to revise, condense, and bring into one view, the law in relation to education and common schools;" which motion to reconsider, was disagreed to by the House.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled resolution from the House, entitled, "A resolution directory to Joseph H. Talbot, attorney for the State, in the tenth judicial district;" which is herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Rodgers, from the select committee, to which had been referred, "A bill, No. 138, to charter the Bank of East Tennessee," reported said bill without amendment, and recommend the passage thereof.

Mr. Williams moved to amend said bill, by inserting the name of Drury P. Armstrong, and J. G. M. Ramsey, as additional commissioners, to open the books for subscription of stock at Knoxville; which amendment was adopted.

Mr. Kinney offered an amendment, constituting two additional sections to the bill. The first provides that the President and Directors, with the consent of the stockholders owning a majority of the shares in said Bank, are authorised to establish a Branch at Jonesborough in the county of Washington. The second provides in case of location of a Branch, the capital of said Bank may be increased two hundred thousand dollars; which amendment was adopted.

Mr. Morrow offered the following amendment, constituting the 17 section of the bill:

Be it enacted, That under the same rule and restrictions, the said President and Directors are authorised to establish an office of discount and deposit, at the town of Chattanooga, in the county of Hamilton; which amendment was adopted.

Mr. Fisher offered the following amendment to said bill, constituting an additional section:

Be it enacted, That should said Bank at any time fail or refuse to pay specie on demand, it shall be lawful to bring suit against any stockholder in such Bank recovery may be had against said stockholder, in the same manner as if the demand refused to be paid on presentation, was his own individual debt.

Mr. Walker of Williamson in the chair.

Mr. Speaker Barringer offered the following in lieu of the amendment offered by Mr. Fihe; "The stockholders in said Bank shall be liable in their private property, for all the debts contracted by the same in proportion to the stock held by each, in said Bank."

Mr. Williams then moved the previous question; which being seconded by a majority of all the members present, the question was then

put, "shall the main question be now taken?" it was determined in the affirmative.

The question was then put "shall the bill pass?" and was determined in the negative, yeas 34, nays 35.

The yeas and nays, No, 273, being called for by Mr. Fisher, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bond, Bone, Brooks, Carson, Cleveland, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Goodall, Hamilton, Hodsden, Hord, Houston, Humphreys, Kinney, Lenoir, Miller of Hardeman, Morris, Moorman, Morrow, Rawlings, Roach, Rodgers, Sherrill, Trice, Trimble, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Boddie, Burrus, Cheatham, Cherry, Coggin, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Huddelston, Hughes, Lauderdale, Marr, Maury, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Scott, Turner, Turney, Tyler, Walker of Hickman, Wann, and Wyley.

Said bill was rejected.

On motion of Mr. Nave,

The vote of the House just taken, rejecting said bill, was reconsidered.

Mr. Miller of Hardeman moved that said bill be laid on the table; which motion was disagreed to by the House.

Mr. Boddie then moved the amendment offered by Mr. Speaker Barringer, which had been cut off by the previous question.

Mr. Fisher then offered the same amendment offered by him in lieu of Mr. Boddie's; which amendment offered by Mr. Fisher, was rejected.

The question then recurred on the amendment offered by Mr. Boddie, and said amendment was adopted.

Said bill, as amended, was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative, yeas 37, nays 30.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bobo, Bone, Brooks, Carson, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Dearing, Duggan, Goodall, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lenoir, Miller of Hardeman, Moores, Moorman, Morrow, Nave, Richardson, Roach, Rodgers, Sherrill, Trice, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Boddie, Burrus, Cheatham, Cherry, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Huddelston, Lauderdale, Marr, Maury, McGinnis, Miller of Marshall, Milligan, Polk, Scott, Turner, Turney, Tyler, Wann, and Wyley.

Said bill passed on its third and last reading in this House, and was ordered to be transmitted to the Senate.

On motion of Mr. Duggan,

The petition, No. of Ahaz Ellis, praying for Legislative relief, was recommitted to the Committee on Claims.

Mr. Richardson asked and obtained leave of absence for Mr. Gordon, until Wednesday next.

On motion of Mr. Duggan,

The House took up "A bill, No. 112, to amend the act passed the 27th of January, 1840," entitled, "An act to provide for viewing and laying off an alteration of the road, leading from Newport, in Cocke county, to Sevierville, in the county of Sevier."

Mr. Carson moved to amend said bill, by adding the name of Joseph Hill, James Webb, and John Dickey, to be commissioners for the county of Jefferson; which amendment was adopted.

Said bill, as amended, was then read a third time and passed, and ordered to be engrossed and transmitted to the Senate.

The House took up "A bill, No. 98, to enable the citizens of Morgan county, to erect a jail in said county."

On motion, said bill was amended, so as to include the counties of Macon, Obion, Benton, Humphreys, Putnam, DeKalb, Washington, Perry, Polk, Van Buren, and Fentress.

Said bill, as amended, was then read a third time.

Mr. Walker of Hickman, moved that said bill be indefinitely postponed; which motion was agreed to.

So said bill was indefinitely postponed.

The House took up "A bill, No. 94, to amend an act," entitled, "An act to refund to John Hoyal and Thomas McCallen, the consideration money paid by them in making entry, No 521, in the Ocoee district," passed Feb. 5th, 1842, chap. 125.

Said bill was then read a third time

And the question being taken, "shall the bill pass?" and was determined in the negative, yeas 24, yeas 39.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Burrus, Carson, Deavenport, Garner, Hodsdon, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Morrow, Polk, Rodgers, Sherrill, Walker of Williamson, Wann, and Williams.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Fisher, Goodall, Hamilton, Hord, Houston, Marr, Maury, Miller of Hardeman, Moorman, Nave, Richardson, Roach, Scott, Trice, Turney, Tyler, Walker of Hickman, Wheeler, Wyley, and Mr. Speaker Baringer.

So said bill was rejected.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have again taken up and considered the amendment to "A bill from the House, No. 64, to amend an act passed January, 26th, 1842, chap. 58, for the benefit of orphans," which amendment of the Senate was heretofore nonconcurrent in by

the House, and the Senate, on further consideration, do recede from said amendment, and said bill is herewith retransmitted.

Mr. Humphreys asked and obtained leave to withdraw for amendment, "A bill from the Senate, No. 157, for the benefit of the owners of land through which the Hiwassee Railroad runs," and for other purposes.

Mr. Crudup, who had withdrawn for amendment, "A bill, No. 114, to amend and explain the act of 1841, chap. 34," returned said bill without amendment.

Ordered that said bill be placed on the calendar, amongst the bills on their third reading.

Mr. Walker of Williamson, from the joint select committee, to which had been referred the memorial of William Edmiston, and others securities of Rob't. H. McEwen, former Superintendent of Public Instruction, beg leave to report, that they have examined the mass of testimony, which has been laid before them, most of which, though perhaps not in such shape as that it can be read, according to the rules of evidence on the trial of the question in a court, yet much of that testimony is of such a nature, that your committee, exercising the power of arbitrators upon principles of justice, feel at liberty to regard.

From the answer of R. H. McEwin, taken in connection with the depositions of the agents of the board of school commissioners laid before your committee, they are induced to the belief that about to sum of \$1,000,000, which passed through the hands of the Superintendent, there was, probably, the sum of two hundred thousand dollars of uncurrent funds, that came into his hands. They also see by the deposition of the Attorney General, that the Superintendent was advised by him to receive of the agents of the school commissioners in the several counties such funds as they have received.

Your committee, by reference to the depositions of W. Williams, N. Hobson, G. M. D. Cantrel, W. S. Pickett, and others, find that the Banks and men in business generally, lost on uncurrent money, which fell into their hands in the years 1837, 1838, and 1839, from 25 to 33 1-3 per cent. on such funds.

Your committee further report, that if as above stated, the sum of \$200,000 was received in uncurrent funds, and that the loss was from 25 to 33 1-3 per cent. on school funds; they are of opinion that the securities ought not to be held liable, for the full amount of \$200,000, but that justice requires that they should have a credit for a deduction of \$50,000, that being the least amount said to have been lost on such funds to wit: 25 per cent. They are further of opinion that the securities ought not to be charged interest on the amount deducted for the uncurrent funds.

Your committee further state that they have made no allowance to the Superintendent for \$1000, paid an agent and \$300, his expenses in going to New Orleans and Mobile, to effect an exchange of part of the uncurrent funds, nor have they allowed the Superintendent \$750, the last semi annual payment of his salary, which has been withheld from him.

They further report that they find that there has been collected by

the receiver about the sum of \$52,000, and that the means of the Superintendent to pay any deficiency that may yet remain to be paid, are very limited, and that any sum yet to be collected, must necessarily bear heavily upon the securities. They further report that from all the facts they have examined in the case, they are persuaded that should the State now be able to get the balance of the fund which came to the hands of the Superintendent, after deducting the discount of 25 per cent. and interest thereon, should interest be charged on the two hundred thousand dollars to be paid now or in any reasonable time in good funds that the State will be in as good condition, if not better situation, than she would have been if the uncurrent funds had been kept by the Superintendent until this time or invested in Planter's Bank Stock. Your committee further report that they are confident that if the deduction of 25 per cent. is not made, and the securities are held liable for the entire amount which came to the hands of the Superintendent, that utter ruin to the securities will be the result; and the committee further suggest that there is great probability that the State would be the loser by such an attempt.

They therefore respectfully recommend the adoption of the following resolution :

N. H. ALLEN,
JOHN COCKE,
B. GORDON,

Committee on the part of the Senate.

P. B. ANDERSON,
JOEL WALKER,

RICHARD CHEATHAM,

Committee on the part of the House of Representatives.

Resolved by the General Assembly of the State of Tennessee, That the suit now pending in the Supreme-court of this State, in the name of the Governor of the State and others against Robert H. McEwen, Superintendent of Public Instructions, and his securities that his securities be allowed a credit of fifty thousand dollars being 25 per cent. discount on \$200,000 of uncurrent money received by him as Superintendent of Public Instruction, also a credit for the amount collected by the receiver in said cause. That any recovery that may be had in said cause against said Superintendent and his securities after giving the securities the above credits and making all just allowances including \$750 to the receiver, which the principal is unable to pay, his securities may have any reasonable time in the discretion of the court, say one, two, three, and four, years to pay the same without interest on giving such reasonable security therefor, and so proportioned amongst them as shall be satisfactory to the court, and the securities aforesaid shall have the means in the hands of the receiver, and the uncollected notes and claims in his hands or the hands of agents or attorneys for collection, belonging to the school fund of which said Superintendent had the control to discharge the same as far as they will go, and it shall be made the duty of the receiver to pay any further collections he may make into the Bank of Tennessee to the credit of the school fund as soon as received by him, or should the collections aforesaid be made by the securities or any of them they are to be paid over in like manner.

Which report and resolution was read, and

On motion of Mr. Bond, said report and resolution was laid on the table.

Mr. Brooks moved that the House take up a bill, from the Senate No. 165, to establish the seat of justice in Putnam county.

Which motion was disagreed to by the House.

The House then adjourned.

SATURDAY, DECEMBER 23, 1843.

The House met pursuant to adjournment.

Mr. Hamilton presented a petition, No. 178, from sundry citizens of Wilson county, praying the passage of a law authorising W. H. Buckley to hawk and peddle without license; which was read and ordered to be transmitted to the Senate.

On motion of Mr. Brooks,

The House took up a bill from the Senate, No. 165, to establish the seat of justice of Putnam county; which was read a first time and passed.

Mr. Brooks asked and obtained leave to withdraw said bill for amendment.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred, a resolution, No. 154, authorising the board of Internal Improvements to compromise with the Murfreesboro', Manchester, and Winchester turnpike company, reported that the committee had had the same under consideration, and had instructed him to report said resolution with an amendment thereto as a proviso, and with said amendment to recommend the adoption thereof; which proviso is as follows:

"Provided, The compromise and settlement so made shall be approved by the Attorney General and the Governor of the State."

Which amendment was adopted.

Said resolution as amended was then adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Black moved a reconsideration of the vote of the House yesterday, rejecting a bill, No. 84, to amend an act entitled "an act to refund to John Hoyal and Thomas McCallie the consideration money paid by them in making entry, No. 521, in the Ocoee district, passed Feb. 5th, 1842, chap. 125

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have received and read a petition, No. 106, from sundry persons praying the grant of a charter of incorporation for the Richland turnpike company; which is herewith transmitted.

The Senate have taken up and adopted a resolution, No. 106, calling on the commissioners of the Obion and Sandy rivers, to report to the present General Assembly; which is herewith transmitted and the concurrence of the House therein is requested.

The Senate have taken up and concurred in without amendment, a resolution, No. 152, directory to the common school commissioner of the 35th school district of McNairy county; which resolution is herewith transmitted.

The Senate have received and read a memorial of sundry citizens of Knox county, praying for a grant of a charter for a turnpike road from Maryville, in Blount county, to the North Carolina line, and in obedience to an order of the Senate, is herewith transmitted.

The Senate has taken up and passed on its third reading, a bill, No. 184, to attach a portion of the South Western territory of the county of Morgan, to the county of Fentress; which is herewith transmitted and the concurrence of the House in the passage thereof is requested.

Mr. Cheatham, who had withdrawn for amendment, a bill, No. 123, to establish the county of Cumberland, returned said bill with sundry amendments thereto, filling the blanks in the 2d, 3rd, 5th, 13th, 14th, 16th, 17th, 18th, 19th, and 20th sections of the bill; which amendments were severally adopted.

Mr. Tyler moved to strike out of the fourteenth section of the bill the time of holding the courts which is the second Monday in March, July, and November, and insert in lieu thereof the "second Mondays in January, May, and September;" which amendment was adopted.

Mr. Eubank then offered the following amendment in lieu of the fifteenth section from the enacting clause: "that the suitors in said county of Cumberland, may file their bills in the county court at Clarksville, in the county of Montgomery, or at Charlotte, in the county of Dickson, at their discretion;" Which amendment was adopted.

Mr. Eubank then moved to amend the bill further, by adding the following proviso, to the bill: "provided, that after a survey of Dickson county, it shall be found that there will still remain to Dickson county her full constitutional territory of 625 square miles."

Mr. Tyler moved to amend the amendment with the following amendment: "that the county of Dickson shall pay one half of the expenses for such survey."

Which amendment to the amendment was rejected; said amendment as offered by Mr. Eubank, was then adopted; said bill as amended was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative, yeas 61, nays 6.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boho, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Morrow, Rawlings, Richardson, Scott, Sherrill, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Maury, Miller of Hardeman, Moorman, Nave, Polk, and Rodgers.

So said bill passed on its third reading in this House.

Ordered that said bill be transmitted to the Senate.

Mr. Avery submitted the following resolution, No. 159:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the hall of the latter, on Thursday, the 28th inst., at 10 o'clock, for the purpose of electing a Judge for the criminal court at Memphis for the ensuing eight years.

Which was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Hughes, who had withdrawn for amendment, a bill, No. 236, to authorise John F. Hannah and company to open a turnpike road, returned the same with the following proviso to the bill: "Provided nothing in this act shall be so construed as to charge the citizens of Polk county in going to and from church, courts, or blacksmith shops;" which amendment was adopted.

Said bill as amended was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

Mr. Lenoir moved that Senate's bill, No. 188, to preserve the faith and credit of the State and preclude the necessity of reducing the amount distributed annually, in aid in the existing laws for the support of common schools, be recommitted to the Committee on Revenue; which motion was agreed to and said bill was recommitted.

Mr. Maury, from the Committee on Enrolments, reported as correctly engrossed, a bill, No. 113, to amend an act passed 27th January, 1840, chap. 78, entitled an act to provide for viewing and laying off an alteration of the road leading from Newport, in Cocke county, to Sevierville, in the county of Sevier.

Ordered that the same be transmitted to the Senate.

Mr. Bond from same committee, reported as truly enrolled, an act to amend an act passed January 26th, 1842, chapter 58, for the benefit of orphans.

The Speaker of the House signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Coggin submitted the following resolution, No. 158:

Resolved, That this House adjourn on this day at half past 12 o'clock, P. M., to meet on Tuesday at 9 o'clock, A. M.]

Which resolution was read, and the 59th rule of the House being suspended, the same was adopted.

Mr. Humphreys, who had withdrawn for amendment, a bill, No. 157, for the benefit of owners of land through which the Hiwassee railroad runs, and for other purposes, returned the same with the following amendment: after the words "has been;" in the 2d line of the section, insert the words "or shall be;" which amendment was adopted.

Said bill as amended was then read a first time and passed.

Mr. Duggan introduced,

A bill, No. 304, to alter, change, and to regulate the time of holding circuit courts in the 12th Judicial circuit in the State of Tennessee.

Burrus introduced.

A bill, No. 305, to authorise guardians of minors, idiots, and lunatics to receive and remove from this State any property to which such word may be entitled when both guardian and ward reside out of this State.

Mr. Milligan introduced,

A bill, No. 308, for the relief of the securities of Madison G. Fellows, late Sheriff of Greene county; which bills were severally read a first time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

Mr. Lenoir introduced,

A bill, No. 305, to provide for building a public jail and penitentiary House in East Tennessee; which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Penitentiary.

Mr. Hodsdon introduced,

A bill, No. 307, to remove the obstructions in Obids river, in Overton county; which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

Mr. Avery presented the following memorial and resolution, No. —
to the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists respectfully represent that in the year 1829, the sum of three thousand three hundred dollars was appropriated by the Legislature of Tennessee for the purpose of erecting a hospital in the town of Memphis; the State tax on merchant's license in said town amounting to the annual sum of one thousand dollars, was appropriated for the support of said institution.

The Legislature of 1835—6 enacted a law authorizing the sale of said hospital and directed the proceeds to be applied to the purchase of a more eligible seat than that on which it was erected, and appropriated an additional sum of five thousand dollars for the erection of a more commodious building, and also appropriated an additional sum of seven hundred and fifty dollars accruing as an annual bonus from an insurance company which was incorporated at Memphis.

Your memorialist would further represent that the more eligible site thus provided for was purchased, and such buildings as the means appropriated would justify erected, and embracing a portion of the furniture necessary for the rooms of the sick.

The Legislature of 1838, passed an act appropriating the State tax on merchants' license in the county of Shelby, relating back to the first of January, 1827, and extending forward to the first day of January, 1842; which law together with the appropriation expired on the 15th January, 1842. The present Legislature have revived the law appropriating the said tax on merchants' license to the support of said institution for the period of two years relating back to the first of January, 1842, which is all the means it will have for its support, as the bonus of seven hundred and fifty dollars of the insurance company above alluded to cannot in future be had because said company has long since gone out of existence.

Your memorialist represent that although this institution was founded

and has been sustained by the State of Tennessee, yet she has perhaps less interest in its further success and prosperity than many other States which border on the western waters; as it is a subject of deep interest to the whole west, and which alike concerns all those States whose commodities and manufactures are borne on the tide of the Mississippi to the great port of the south and west; and as this burden, in which the whole union is interested, is deemed too great to be borne by a single community or even by a single State, they therefore recommend to your honorable body the propriety and necessity of appropriating out of the common fund of the United States a sum sufficient for the maintenance of this institution in a manner worthy of such a motive as ours.

Your memorialists represent that Memphis is one of the most eligible sites for a hospital in ascending the Mississippi river, being about equal distance from the important places on the Ohio and upper Mississippi and New Orleans. It is fast growing in opulence and importance, and is destined to become at no great distant day, one of the first cities in the west in point of population and commercial importance.

The maintenance of a hospital at this point, by the General Government, suitable for the relief of the worn down sick and necessitous traveller, and such as may ease the sufferings of the dying son of misfortune and poverty and afford him a decent burial in a strange land, is a matter of material concernment.

According to the report made to the General Assembly by the board of commissioners, it appears that on account of the limited means which the State appropriations afford, (although as liberal as could be made,) not more than one fifth of the applicants to said hospital can possibly be admitted, they being reduced to the painful necessity of receiving such cases only as are of the most desperate character, and many hundreds of destitute deceased mortals have had to be necessarily refused that relief which humanity would dictate.

We therefore desire that your honorable body may make such an appropriation as will place the hospital in such a condition that a shelter can be afforded to all who may be so unfortunate as to be compelled to throw themselves upon the charity of the Memphis hospital.

For the current year the number of cases in the Hospital when the report was made, was 220, out of which number only 50 were from Tennessee; the others from all parts of the Union, which is sufficient evidence, of itself, that it ought of right to be made a National Institution. Your memorialists feel, therefore, assured, that some action will be had by this Congress on this important subject; Therefore,

Be it Resolved by the General Assembly of the State of Tennessee, That the Governor be requested to furnish a copy of the foregoing memorial to our Senators and Representatives in the Congress of the United States; which memorial and resolution was read, and the 59th Rule being suspended, the same was adapted. Ordered that the same be transmitted to the Senate for their concurrence therein.

Mr. Marr presented the following protest with a request that it be entered on the Journal, and was read as follows:

George W. L. Marr, a Representative from the counties of Iyer and Obion, thinks the vote of this House on the 25th November last, on the third and last reading of

"A bill to prescribe the time, place, and manner of choosing Senator to the Congress of the United States" injurious to the public, and therefore dissents from and *protests* against it, for the following reasons, which he claims as a constitutional right, to have spread upon the Journals of this House:

1st. The body and substance of the bill are unlawful and do not accord with the title—which is lawful.

2d. It is a wanton and uncalled for usurpation of the rights of the people, and a departure from the fundamental principles of our free Institutions.

The 3d section of the bill provides "that the manner of choosing Senators shall be by the joint *viva voce* vote of the two Houses of the Legislature assembled in convention, and a majority of said convention shall determine the choice of Senators." This section has been proposed, supported, and passed on its third and last reading in the House under the guise of prescribing the manner of electing Senators; when in point of fact the end and aim of the section is to describe and appoint an agent to do that business. The Constitution of the United States gives to the Legislature the power of appointing the time, place, and manner of choosing Senators; but gives to that body no power to appoint an agent to choose them. The error is in affecting to do what is lawful, while they, in fact, do that for which they have no warrant. That which the Constitution has already done they have no right to alter or to meddle with.

What fatality can have produced this error; none thinks that the "time" of electing Senators is a Convention of the two Houses of the Legislature; no one thinks that the "place" of electing Senators is a convention of the two Houses of the Legislature; and I will say that no one thinks the "manner" of electing Senators is a convention of the two Houses of the Legislature. It must be a confused intellect that confounds the agent who performs an act with the manner of performing it. A commits murder on the body of B; he does it by shooting; then A is the agent who performs the deed, and shooting is the manner of doing it; or A takes the life of B by stabbing him to the heart; A is still the agent, but the manner of performing the act of murder, is by stabbing; or A might strike B on the head with an axe, and thereby destroy his life. A would still be the agent, but the manner of killing would be by striking on the head with an axe. In the three modes supposed for destroying life, A is uniformly the agent but never the manner. The act of shooting—the act of stabbing—the act of striking on the head with an axe, is each a distinct mode of action, but neither is a man, neither is A the murderer of B; such an idea would be absurd, but not more absurd than to suppose that the manner of choosing Senators is a convention. But if neither the time, nor place, nor manner of choosing Senators be a convention, that the Constitution of the United States has given to the Legislature no power in relation to a convention, and were it not that this bill like many resolutions which

ave gone before it, was artfully contrived to bewilder and deceive the understanding, there could never have been any difficulty on this subject.

The bill says "that the manner of choosing Senators shall be by the joint *viva voce* vote of the two Houses of the Legislature assembled in convention, and the majority of said convention shall determine the choice of Senators."

If we leave out the deceptious expressions in the bill, and state its substance in a plain unsophisticated manner, using words in their natural order, according to their tune, meaning, and practical effect, we will at once see the departure from constitutional principles. The section would stand thus: "a convention formed of the Senate and House of Representatives shall choose Senators to the Congress of the United States; said convention shall vote *viva voce* and the majority of votes shall determine the choice of Senators." This is a plain direct appointment of a body to choose Senators, with a direction as to the manner it shall vote or choose them, and this is precisely the substance of the 3d section of the bill, for its principal feature, contained in the first paragraph, appoints an agent to choose Senators to Congress, and then directs the manner of voting, and making a choice. With the first, we have seen, they had no right to meddle, the Constitution of the United States having already provided an agent for that purpose. The manner of choosing Senators to Congress, consists in the means employed for ascertaining the will, wish, or vote of each House, and it may be done in a variety of ways. The mode might be to have three persons employed in each House with separate alphabetical lists of the members' names, one might hold his list and call aloud the first named member up on it, and the member, when so called, might pronounce aloud the name of the candidate or person of his choice for Senator. The other two persons, or clerks, might have columns drawn on their lists parallel, with the list of the members' names, and when the number first called has expressed the name of the person chosen by him for Senator, they might write that name at the head of one of the columns, and in that column below the name, and opposite the name of the member called, mark 1; the calling officer might then call the name of the second member on his list, and a response being had and noted as before, proceed to the third, and so on until the will, wish, or vote of each member was ascertained and numbered, and the sum of all the votes for each candidate or person named for Senator being ascertained and compared, the person having the greatest number, would, if that number was a majority of the House—be the choice of the House—and this choice being communicated to the other House in a prescribed manner, it would at once be perceived whether the two Houses had concurred in choosing the same person for Senator; if they had he would be regularly elected by the Legislature; or if it were so determined, the Speaker might hold a list of the members names and a list of all the persons in nomination for a seat in the Senate—he might read over the list of candidates or persons nominated, to the whole House, and then naming the first, invite all the members favorable to his election, to rise from their seats, and then cause two persons (tellers) to pass through the House, counting all those who were standing, and the

member so ascertained and reported to the House and the Speaker, being set down as votes for the first named candidate, the Speaker might call the House to order, and then read aloud the name of a candidate next on his list, and invite all the members favorable to his election to rise; the number then rising, being ascertained as before and reported and set down as the number of votes then given for the second named candidate, the Speaker and House might proceed in like manner until the list was gone through with, or until all the members had voted. The number of votes for each candidate being then read aloud by the clerks, the person having the highest number of votes, if that number were a majority of the House, might be pronounced by the Speaker to be elected or chosen by the House; and this result being communicated to the other House, if that House concurred in electing the same candidate, he would be duly elected Senator; or the manner might be, by each member as called, dropping a folded ticket into a box presented for that purpose; the ticket having on it the name of the person who is the members' choice for Senator, and after each and every member had put in his ticket and they were all drawn out, and the number for each person voted for, set down and read aloud to the House, the sense or choice of the House would be ascertained, and by communicating with the other House, as in the two former modes, the concurrence or non concurrence of the two Houses would be ascertained and a Senator declared to be elected, or a new election gone into as the case might require.

These are modes of election that might be adopted, and many other modes of obtaining the will, vote, or choice of the two Houses of the General Assembly might be imagined, that would answer the purpose it prescribed and adopted by the Legislature. But neither mode of election which I have described, nor any mode which man can devise, will look like, or be like, or constitute, or be a part of a convention of the two Houses of the Legislature.

The manner of performing an act is in nature and reason distinct from the agent who performs it and must forever so remain; all this is so very plain that were it not for the confusion of ideas arising from the manner of wording this bill, it would seem wholly unnecessary to have said so much to prove this bill, which appoints an agent (a convention) to choose Senators, does not accord with its title or caption which proposes only to prescribe the time, the place, and the manner of choosing them.

My second reason is, that this bill is a direct and palpable violation of the constitution of the United States; that instrument says: "The Senate of the United State shall be composed of two Senators from each State chosen by the Legislature thereof;" but this bill provides that a convention of the two houses of the Legislature shall elect Senators. It must therefore violate the constitution unless a convention of the two houses of the Legislature and the Legislature are synonymous terms and both mean the same thing. If there are any doubts about this matter we must look to the constitution of the State of Tennessee for their solution. That instrument defines the body which is trusted with the legislative authority of this State, calls it a General Assembly

says it shall consist of a Senate and House of Representatives, both dependant on the people.

The same instrument provides how many members shall be in each house, how qualified, and how appointed, when and where they shall meet, how they shall be organized, and what power each may exercise separately as a House or branch of the General Assembly, and declares that no bill shall become a law until it shall be read and passed on three different days in each house and signed by the respective Speakers.— Now the convention being only a single body and consisting of but one house cannot be a General Assembly, which consists of two houses, the convention being a single body voting by all its members jointly, and determining its will by a majority of the whole body taken together and counted *per capita*, cannot be a Legislature consisting of two houses voting separately and determining its will by a concurrent vote of both. The Legislature, to make a law, must read and pass it on three several days in each house; this a convention cannot do, because it consists of but one house. The organization of the convention and the mode of action required for it by this bill are wholly different from the organization of the Legislature and the mode of action required for it by the constitution.

The Convention, therefore, and the Legislature, are not synonymous terms, they do not both mean the same thing. One is required to consist of one body, and to act by its vote or voice as a single body: the other is required to consist of two Houses, and to act by concurrent vote taken separately in each House, so that to identify these assemblies is impossible.

Therefore this bill is, as above asserted, a direct and palpable violation of the Constitution of the United States.

The third reason is, that this bill is a wanton and uncalled for usurpation of the rights of the people, and a departure from the fundamental principles of our free institutions.

A fundamental principle of our government is, that all power is inherent in the people, and that all just governments are founded upon their authority, and instituted for their peace, safety, and happiness. This principle is declared in our bill of rights, which is made a part of our Constitution, and all Legislation adverse to it is exception out of the powers of government. According to this principle, there is no Legislature except that which the people have created—no political power except that which the people have granted. The Legislature created by the people, is a General Assembly; an artificial body formed and created expressly for the exercise of Legislative powers, and made to consist of two distinct assemblies, a Senate of twenty-five members, and a House of Representatives of seventy-five members; both dependent on the people; each House elected by, and representing the whole people, each being vested with equal Legislative powers, and each incapable of Legislation, except by concurrent vote of both. The two Houses constitute the Legislature; it consists of them; they are the Legislature; no single assembly is, neither can it be. The bill by appointing one House to do what the Constitution of the United States has required to be done by two, violates that instrument and by providing

that the influence which each House may exercise in the choice of Senators shall depend upon the number of members composing the Houses, instead of the number of freemen who elected them, destroys the representative principle of our government, and is an usurpation of the rights of the people.

It is believed there are 112,500 qualified voters in this State, and there are 75 districts, for electing 75 members of the House of Representatives, with an average of 1500 qualified electors in each, and 25 districts for electing 25 Senators, with an average of 4500 qualified voters in each. If in virtue of this bill the 25 Senators go into the chamber of the House of Representatives, to choose a Senator in Congress, and the House be full, the convention would consist of 100 members: of this number 51 are a majority; these 51 members of the convention may all be members of the House of Representatives, representing on 76,500 electors, may appoint a Senator to Congress, although opposed by the votes and wishes of the remaining 24 members of the House representing 36000 voters, and the whole body of the Senate, representing 112,500 voters, all the qualified voters in the State. Indeed an election might take place under this bill, when a bare quorum, only 50 members of the House of Representatives, were present. The convention would then be composed of 75 members, of which 38 would be a majority; those 38 districts, with a voting population of 57,500, might elect a Senator to Congress, in opposition to the will of the Senate, representing the whole State, which votes 112,000, and if 10,000 be added for the 12 members supposed to vote with the Senate, then it would appear that 37000 were made to control and give a Senator to 130,500 and it cannot be denied that the 12 members voting with the Senate do as fairly represent 18,000 freemen, and that 25 Senators do as fairly represent 112,500 voters. It is therefore manifest, that this bill is as unjust as it is unconstitutional, and is a departure from the fundamental principles of representative government.

This evil never could happen under a constitutional election of Senators by the Legislature for the members of the Senate being elected from districts throughout the State, laid off according to the number of qualified voters in each—that body when convened, organized, and acting as a branch of the Legislature, being obliged to determine all questions, by the vote of a majority of the members, such majority must of necessity, represent a majority of the whole people of the State, and therefore the voice of a majority of the Senate must be the voice of a majority of the representatives of the whole number of electors in the State, and for the same reason, the voice of the majority of the House of Representatives is the voice of a majority of the electors throughout the State.

Therefore when the two houses concur on any question, it is the concurrence of the representatives of a majority of the people, and never can be otherwise. An election of Senators, then, by the two Houses of the General Assembly, that is by the Legislature, as the constitution prescribes, would always be an election by the representatives of a ma-

majority of the people, and a minority could never impose Senators on a majority as we have seen they may do under the provisions of this bill. It is therefore an uncalled for usurpation of the rights of the people.

G. W. L. MARR.

December, 23^d, 1843.

The House took up a resolution from the Senate, No. 106, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the chairman of the board of commissioners for the Obion river and the chairman of the board of commissioners for the Sandy river, be and they are hereby required each, to report forthwith to this General Assembly, the amount for which they have respectively drawn on the Branch of the Bank, at Trenton, the particular purpose for which they have drawn, and the names of the persons in whose favor; and that the Secretary of State be required to forward to the chairman of each of those boards immediately, a copy of this resolution, and that said commissioners also report the aggregate amount of the contracts already made for the improvement of the navigation of said rivers, together with the average price per mile at which the undertakers have contracted for such work; in which resolution the House concurred.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Marshall, asked and obtained leave to withdraw for amendment, a bill, No. 253 to alter the county line between the counties of Giles and Marshall.

The House took up Senate's amendment to a bill from the House, No. 191, to amend the laws of this State regulating the practice in chancery courts and reducing the expenses of the same; which Senate's amendment was read at the clerk's table as follows:

"1st. Insert after the word 'defendent' in the 11th line of the 2nd section and strike out the remainder of the section 'and tax the cost of such copy as other costs.'"

2d. Strike out the 3d and 5th sections of said bill.

Which first amendment of the Senate was concurred in.

Mr. Rodgers then moved a nonconcurrence of the House with said Senate's second amendment to strike out the 3d and 5th sections.

Pending the discussion on said bill the House adjourned.

TUESDAY, DECEMBER 26st, 1843.

The House met pursuant to adjournment.

The Speaker presented to the House the report of the Commissioners appointed to investigate the Branch of the Bank of Tennessee at Rogersville.

Which was read and ordered to be transmitted to the Senate.

Mr. Kinney presented the petition, No. 180, of sundry citizens of Washington county, praying the passage of an act, establishing an Independent Bank in East Tennessee.

Which was read and ordered to be transmitted to the Senate.

Mr. Humphreys presented a petition, No. 181, from Geo. H. Sherman, and sundry citizens of McMinn county, praying Legislative relief for said Sherman.

Which was read and ordered to be transmitted to the Senate.

On motion of Mr. Morrow,

Ordered that a petition, No. 4, of Thomas McCallie and John Hoyal, praying for Legislative relief, be transmitted to the Senate.

On motion of Mr. Cheatham,

Ordered that a petition, No. 60, from sundry citizens of fractional parts of Robertson, Montgomery, Davidson, and Dickson counties, praying the establishment of a new county, be transmitted to the Senate.

Mr. Hodsden presented a report from the commissioners of Little River, of Blount county; which was read and ordered to be transmitted to the Senate.

Mr. Trott, from the committee, to which had been referred, "A bill, No. 299, for the relief of new counties;" reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment, and with said amendment, to recommend the passage thereof; which amendment is as follows:

"Strike out the first and second sections of the bill; which amendment was adopted.

Said bill, as amended, was then read a second time and passed.

Mr. Goode, from the Committee on Enrolments, reported as correctly engrossed, "A bill, No. 286, authorising John F. Hannah, & Co., to open a turnpike road."

Ordered that said bill be transmitted to the Senate.

Mr. Crouch asked and obtained leave of absence for Mr. Eubank, until Thursday morning.

Mr. Black introduced "A bill, No. 309, to incorporate the town of Unionville, in the county of Bedford;" which was read a first time and passed.

Mr. Crudup submitted the following resolution, No. 160.

Resolved, That the Senate meet the House in the Hall of the House of Representatives, on the 28th day of December, for the purpose of electing an Attorney General, for the 14th judicial circuit, to fill the place of Solon E. Rose, whose time expires by limitation, before the meeting of the next regular session of the General Assembly; which was read and laid on the table.

Mr. Brooks submitted the following resolution, No. 161:

Resolved, That this House take up and pass upon its own bills, on the second and third reading; which was read and laid on the table.

A message from the Senate, by Mr. Cooke, their clerk:

MR. SPEAKER: The Senate have received and read a message from His Excellency the Governor of the State of Tennessee, relating to the appointment of certain commissioners, to investigate certain Branch Banks of Tennessee; which is herewith transmitted.

The Senate have received and read a communication from the Comptroller of the Treasury, in relation to the amount of money in the Treasury, &c; which is herewith transmitted.

The Senate have taken up and passed on their third reading, the following bill, to wit:

A bill, No. 116, to change the time of holding the supreme court at Knoxville,

A bill, No. 118, to charter the Memphis Insurance Company;

A bill, No. 177, to authorise Aaron Higginbotham, and David Rankin, to extend and keep in repair Higginbotham's turnpike road across Cumberland Mountain; and

A bill, No. 182, prescribing the duties of the Directors of the Principal Bank of the Bank of Tennessee, in appointing Directors of the Branch Banks; which bills are herewith transmitted, and the concurrence of the House of Representatives in the passage thereof, is requested.

The Speaker of the Senate has signed an enrolled bill from the Senate, entitled: "An act for the benefit of the Memphis Hospital; which enrolled bill is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Rodgers,

The House took up "A bill, No. 117, to authorise Andrew K. Parker, and others, to open a turnpike road;" which was read a third time, and ordered to be engrossed, and transmitted to the Senate.

On motion of Mr. Crouch,

The House took up "A bill, No. 239, to restore Levi Hosea to citizenship."

Mr. Hord offered an amendment as follows:

Sec. 2nd. *Be it further enacted*, That William Manis, of the county of Hawkins, be and he is hereby restored to all the rights of citizenship, which he enjoyed previous to his conviction; which amendment was adopted.

Said bill as amended was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Morrow,

The House took up "A bill, No. 222, to appoint John Kelley, of Marion county, proprietor of a turnpike road, commencing at the eastern terminus of the Jasper and Pelham turnpike road, and terminating on the eastern side of the Lookout Mountain, in Hamilton county;" which was read a third time and passed, and ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Fisher,

The House took up "A bill, No. 178, to establish the county of Ocoola."

Mr. Fisher moved to amend said bill by striking out "Ocoola," wherever it occurs in the bill, and inserting in lieu thereof "Hanover."

Mr. Crudup moved to amend the amendment by substituting the name of "Crockett," in honor of the late Col. David Crockett.

Mr. Edwards then moved a division of the question.

The question was first taken on striking out; which was agreed to.

The question was then taken on filling the blank with "Crockett," and was disagreed to by the House.

The amendment offered by Mr. Fisher, was then adopted.

So the House ordered that the blank be filled with Hanover.

The bill being further amended on motion of Mr. Fisher, the said bill was then read, as amended, a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The House took up the following bills:

A bill, No. 164, to abolish the chancery courts in the first chancery district, at Jonesborough, and to establish the same at Elizabethton.

A bill, No. 165, for the benefit of securities in certain cases.

A bill, No. 192, to prevent the Bank of Tennessee, and Branches, from calling more than ten per cent. in the renewal of notes.

A bill, No. 193, to relieve the Militia, in the 7th and 8th civil districts in Polk county, from attending battalion and regimental musters.

A bill, No. 194, to exempt the different counties in this State, from payment of cost in certain cases.

A bill, No. 195, to reduce the fees of clerks on settlements made with guardians.

A bill, No. 219, for the relief of Hugh McAden, constable of Shelby county.

A bill, No. 224, to extend the charter of the Red river turnpike company.

A bill, No. 225, to remove the supreme court of errors and appeals from the middle division of Tennessee, to the town of Columbia, in the county of Maury.

A bill, No. 226, to repeal a resolution directory to the surveyor of the Hiwassee, to take from taxation, the lands of the State from taxation.

A bill, No. 227, motion of Mr. Rod, clerk of the Ocoee district, to amend the Register of the said bill, to be voided by the destruction of the Register of the said bill.

A bill, No. 228, whereupon Mr. Speer, clerk of the circuit Judges to hear and determine the equity of the said bill.

A bill, No. 229, to incorporate the Citico turnpike company.

A bill, No. 230, and Monroe, to amend the revenue laws of this State, and for other purposes.

A bill, No. 231, Mr. 238, for the relief of the commissioners of the town of Bradley, to amend the county of Bradley.

A bill, No. 240, to prevent the county court of Perry county, from levying a general tax for the purpose of building a court house and jail in the county.

A bill, No. 241, to authorise the different religious denominations in this State, to hold not exceeding five acres in quantity.

A bill, No. 242, to provide for the ceding to the United States, that portion of the State of Tennessee, lying east of the Cumberland mountains.

A bill, No. 243, to amend the 4th section of an act passed October 1842, to apportion the representation in the General Assembly of the State of Tennessee.

A bill, No. 244, to allow jurors of inquest, the same pay as jurors in circuit court.

A bill, No. 245, supplemental to an act passed at the present session of the General Assembly, entitled "An act to authorise the clerk,

of the supreme court to furnish new counties, with reports of the supreme court.

A bill, No. 248, to change the name of Tusculum Academy, to Tusculum College.

A bill, No. 250, to incorporate the Williamsport Bridge Company.

A bill, No. 251, authorising the county court of Marshall county to make an appropriation to James C. Record, William McClure, and Thomas Ross.

A bill, No. 256, to authorise John Stewart, of Cocke county, to build and construct a mill dam across one sluice of French Broad River in Cocke county.

A resolution, No. 258, amendatory to the Constitution of Tennessee.

A bill, No. 259, to authorise the corporation of Memphis, to work runaway slaves, committed to the jail of Shelby county on the streets.

A bill, No. 261, to restore William Upchurch to the rights of citizenship.

A bill, No. 262, to authorise the Comptroller of the Treasury to pay John B. Rodgers the sum therein specified.

A bill, No. 263, for the benefit of Israel F. Outhouse, former trustee of Weakley county.

A bill, No. 266, to amend the charter of the Harpeth turnpike company.

A bill, No. 269, to adjust the boundary line between this State and the State of Kentucky.

A bill, No. 270, to prohibit the building of dams and crossways across certain streams.

A bill, No. 271, for the benefit of ^{rights of citizen} ~~own~~; which amendment

A bill, No. 272, providing for but one ^{house of} Representatives.

A bill, No. 276, to amend the revenue laws. ^{passed, and was}

A bill, No. 285, to incorporate the Eagle creek ^{in the} county of Benton.

A bill, No. 292, to incorporate all towns not heretofore ^{Valley, of} incorporated and to prevent ^{legislation} excessive Legislation.

A bill, No. 293, to refund to the county of Polk, the ^{money} by them expended in the transportation and delivery of ^{the} ~~the~~ ^{best} laws of Tennessee to the justices of the peace in said county, Polk; and

A bill, No. 303, to charter the Sevier county turnpike road; which bills were severally read a second time and passed.

On motion of Mr. Scott,

The House took up a bill, No. 163, to alter the dividing line between the counties of Cannon and Dekalb.

Mr. Coggan asked and obtained leave to withdraw said bill for amendment.

Mr. Morrow asked and obtained leave to withdraw for amendment, a bill, No. 278, to amend an act entitled "an act to incorporate the town of Tazewell, in the county of Claiborne, passed 1st Nov. 1843, and for other purposes."

The House took up a bill, No. 177, to establish and settle the line between Shelby and Tipton counties; which was laid on the table.

Mr. Alexander presented a petition No. 182, from sundry citizens of Shelby county, remonstrating against being attached to Tipton county; which was laid on the table.

The House took up a bill, No. 176, to incorporate the town of Eaton in the county Gibson.

Mr. Boddie moved to amend the bill by an additional section constituting the 2d section of the bill, which provides that the act passed January 27th 1840, extending the corporate limits of the town of Galatin be, and the same is hereby repealed; which amendment was adopted.

Said bill as amended was then read a second time and passed.

The House took up a bill, No. 215, to extend the corporate limits of the town of Waynesboro', in the county of Wayne.

Mr. Rodgers offered the following amendment to the bill:

SEC. 2 *Be it enacted*, That the circuit court for the county of White, shall at any time have power to define, extend or reduce the corporate limits of the town of Sparta, in the county of White; which amendment was adopted.

Said bill as amended was then read a second time and passed.

The House took up a bill, No. 229, to give Putnam county the State tax for the years 1844-'5.

On motion it was amended so as to include the counties of Perry and Macon; said bill as amended was then read a second time and rejected.

The House took up a bill, No. 255, to appoint commissioners to superintend the construction of a State House, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the State from taxation; which was read a second time and passed.

On motion of Mr. Rodgers,

Ordered that said bill be referred to a select committee of three.

Thereupon Mr. Speaker appointed Messrs. Cheatham, Trimble, and Farquharson as said committee.

The House took up a bill, No. 267, to incorporate the Livingston and Montoe turnpike company, in Overton county.

Said bill was read a second time and passed.

Mr. Huddleston asked and obtained leave to withdraw the same for amendment.

The House took up a bill, No. 257, to amend the act of 1811, chap. 120, section 1; which was read a second time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

The House took up a bill, No. 301, to amend an act entitled "an act to establish a State Bank, to raise a fund for Internal Improvements and to aid in the establishment of a system of education," and an act supplemental thereto.

Which was read a second time and passed.

Ordered that said bill be referred to the select committee on revenue.

The House took up a bill, No. 209, to regulate the pay of members of the Legislature, clerks and doorkeepers.

On motion of Mr. Brooks,

Said bill was laid on the table.

On motion of Mr. Goode,

The House took up the unfinished on Saturday pending when the House adjourned, which was Mr. Rodger's motion to nonconcur with Senate's second amendment to strike out third and fifth sections of bill No. 191, to amend the laws of this State regulating the practice in chancery courts and reducing the expenses of the same; which motion to nonconcur was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following bills from the Senate:

A bill, No. 46, to provide for the payment of costs in certain cases.

A bill, No. 55, to amend an act entitled "an act to appropriate money for the improvement of rivers in East Tennessee."

A bill, No. 78, to change the time of holding the circuit and chancery courts therein named

A bill, No. 86, to aid in the establishment of an institution for the instruction of the blind and deaf and dumb.

A bill, No. 101, to extend the time for completing the Lagrange and Memphis rail road and the branch from Sommerville to Moscow.

A bill, No. 144, to authorise the county court of Monroe county to permit the erection of mills and other water works in certain cases.

A bill, No. 121, for the benefit of James Vaughn, of Monroe county.

A bill, No. 148, to alter the lines between the counties of Wilson and Cannon.

A bill, No. 147, to incorporate the Mechanics Library Association at Nashville.

A bill, No. 148, for the relief of sheriffs in certain cases.

A bill, No. 153, to authorise Andley Harrison and Thomas Gardner to open and keep in repair a turnpike road across the Cumberland mountain.

A bill, No. 168, to change the time of holding certain circuit and chancery courts.

A bill, No. 173, to repeal the act of 1824, chap. 20, and for other purposes.

A bill, No. 179, to authorise the county courts of Morgan and Fentress counties to appoint commissioners on Scott's turnpike road leading through said county; and

A bill, No. 184, to attach a portion of the South Western territory of Morgan county to the county of Fentress; which bills were severally read a first time and passed.

The House took up a bill from the Senate, No. 187, to authorise the Planter's Bank of Tennessee to declare certain dividends; which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up a memorial transmitted from the Senate, No. 105 from sundry citizens of Knox county, praying the grant of a charter for a turnpike road from Maryville, in Blount county to the North Carolina line, which was laid on the table.

A message from the Senate, by Mr. Cocke, their clerk;

MR. SPEAKER: The Senate have taken up and passed, with sundry amendments thereto, on its third reading, a bill, No. 138, to establish

the East Tennessee Bank; which is herewith transmitted and the concurrence of the House in said amendment is requested.

On motion of Mr. Richardson,

Ordered that bill No. 83, ordering criminals for capital offences to be executed within the enclosure of the prison house, be placed on the calendar amongst bills on their second reading.

On motion of Mr. Williams,

The House took up the amendments of the Senate to a bill of the House, No. 128, to charter the Bank of East Tennessee.

The House thereupon proceeded to consider the first amendment of the Senate, to wit: before the words "at Greenville," in the 12th line of the 1st section, insert the words "at Rutledge under the superintendence of Edward Tate, Benjamin Peck, and William E. Cocke;" which amendment was concurred in by the House.

The House then proceeded to consider the second amendment of the Senate proposing to strike out the 18th section of the bill, which provides that the stockholders shall be liable in their private property for all debts contracted by the board in proportion to the stock held by each in said Bank.

Mr. Williams moved that the House concur in said amendment of the Senate.

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 25 nays 34.

The ayes and nays being called for by Mr. Boddie, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Brooks, Burrus, Carson, Cheatham, Cross of Madison, Cudup, Dearing, Hodsdon, Humphreys, Lenoir, Maury, Moores, Morrow, Rawlings, Reach, Rodgers, Sherrill, Trice, Trimble, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Bobb, Boddie, Bond, Bone, Cleveland, Coggin, Cross of Sullivan, Crouch, Farquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hord, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Nave, Richardson, Trott, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

So the House nonconcurred in said amendment of the Senate.

On motion of Mr. Williams,

Ordered that said bill and the remaining amendments of the Senate thereto be laid on the table.

Mr. Miller of Hardeman moved a reconsideration of the vote of the House nonconcurring in the second amendment of the Senate to said bill.

The House took up resolution, No. 94, from the Senate, directory to the Committee on Banks; which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the Committee on Banks be instructed to propose and report for publication a condensed statement of the contents of the reports already received or that may be hereafter received from the commissioners ap-

pointed to investigate the condition of the Bank of Tennessee and branches, and that said committee be further instructed to report for publication the name of no one of the principals or securities on any of the paper discounted by said Bank or branches unless there be some special reason for making such publication, and that one of the assistant clerks of the Senate be required to aid said committee in the performance of the duties herein enjoined.

Mr. Boddie moved to amend said resolution by striking out all after the words "Bank of Tennessee and branches," in the seventh line to the word "publication," inclusive in the twelfth line; which amendment was agreed to by the House.

Said resolution of the Senate as amended was thereupon concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up resolution of the Senate, No. 105, which was read at the clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the Attorney General and reporter forthwith report to this body whether the number of copies allowed by law of the tenth volume of Yerger's Reports have ever been deposited in the office of the Secretary of State, and if not the reason why, and whether they can now be obtained and where; which resolution was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House again took up and considered the amendment of the Senate to a bill from the House, No. 82, to refund to sheriffs revenue improperly paid by them; which amendment of the Senate was nonconcurrent in by the House on the 20th inst., and was returned to the House by the Senate on the 21st inst., with a message insisting on their said amendment.

The House after further consideration thereupon adhered to their nonconcurrence in the amendment of the Senate to said bill.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

WEDNESDAY, DECEMBER 27, 1843.

The House met pursuant to adjournment.

Mr. Alexander presented a petition, No. 183, from the Mayor and Aldermen of the corporation of Memphis, praying the Legislature to pass an act directory to the county court of Shelby county, to make an appropriation to pay for the burial of paupers in said county; which was referred to the Committee on Claims.

Mr. Kinney submitted the following resolution, No. 162 and 163:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to the commissions of sheriffs and constables in this State so as to allow said sheriffs and constables commissions now allowed by law when the parties compromise without the sale of property or when the plaintiff

receives any part or all of his debt, and that they have leave to report by bill or otherwise.

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of authorizing the county courts at their discretion to make an allowance to the Sheriffs in this State for their services in attending on the chancery courts, and that they have leave to report by bill or otherwise.

Which resolutions were severally read, and the 59th rule of the House being suspended, said resolutions were adopted.

A message from the Senate, by Mr Cocke, their clerk :

MR. SPEAKER: The Senate have rejected on its third reading, a bill, No. 41, from the House to reduce the expenses of the State; which bill is herewith transmitted

The Senate have taken up and passed on their third reading the following bills from the House with sundry amendments thereto:

A bill, No. 5, to extend the provisions of the 17th section of an act passed the 5th day of February, 1836, entitled an act setting forth the property real and personal and the privileges and occupations liable to taxation in this State.

A bill, No. 104, for the benefit of William Laws and P. Wheeler; and

A bill, 169, to charter a company to construct a turnpike road from Gallatin, in Sumner county, by the way of Hartsville, to Carthage, in the county of Smith, to be called the Gallatin and Carthage turnpike company.

Which bills and amendments are herewith transmitted and the concurrence of the House of Representatives in said amendments is requested.

The Senate have taken up and passed on their third reading the following House bills without amendment, to wit:

A bill, No. 162, fixing the time of holding general musters in the 8th brigade; and

A bill, No. 279, giving further time for the completion of the Hiwassee railroad; which bills are herewith transmitted.

The Senate have taken up and passed on their third reading the following bill:

A bill, No. 151, to tax public watering places; and

A bill, No. 161, to settle and regulate the conflicting claims of the State of Tennessee and private creditors in certain cases; which bills are herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Senate have taken up and concurred in without amendment, a resolution from the House, No. 159, proposing to go into the election of a Judge for the criminal court at Memphis, on Thursday, the 26th inst.; which resolution is herewith transmitted.

The Speaker of the Senate has signed an enrolled resolution of the Senate entitled:

A resolution directory to the Commissioners of the Obion river and the Chairman of the Board of Commissioners for Sandy river, relating to certain monies drawn for, on the Branch Bank at Trenton.

Which enrolled resolution is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Maury from the Committee on Enrolments, reported as correctly engrossed, the following bills, to wit:

A bill, No. 99, to revise, condense, and bring into view the law in relation to Education and Common Schools.

A bill, No. 117, to authorise Andrew K. Parker and others to open a Turnpike Road.

A bill, No. 178, to establish the County of Hanover.

A bill, No. 222, to appoint John Kelly, of Marion county, proprietor of a Turnpike Road, commencing at the Eastern terminus of the Jasper and Pelham Turnpike Road, and terminating on the the Eastern side of the Lookout mountain in Hamilton county; and

A bill, No. 239, to restore Levi Hoesa and William Manis to citizenship.

Mr. Maury, from the same committee, reported as truly enrolled.

A resolution directory to the Common School Commissioner of the 35th School District of McNairy county.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Speaker, Barringer, introduced

A bill, No. 310, to authorise the county Trustee, for Bedford county, to collect certain school moneys, and for other purposes; which was read a third time and passed.

Mr. Cheatham, from the Select Committee, to which had been referred

A bill, No. 255, to appoint Commissioners to superintend the construction of a State House; to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the State from taxation;

Reported that the Committee had had the same under consideration, and had instructed him to report said bill with sundry amendments thereto, and with said amendments to recommend the passage thereof.

Mr. Maury, from the Committee on Enrolments, reported as truly enrolled, the following bills, to wit:

An act giving further time for the completion of the Hiwassee Rail Road; and

An act fixing the times of holding general musters in the Eighth Brigade.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

The amendments proposed by the Select Committee to bill, No. 235, are as follows:

1st. Strike out the first section of the bill. 2d. insert after the word "James Erwin" in the second line of the second section, the name of "Morgan W. Brown," and after the word "State House," in

tion, insert the words "and other necessary buildings." 3d. Add after the words "to be built," in the second line in the third section, "smooth-hewn stone and fire proof" 4th. The following additional section:

Be it enacted, That the ornamental portions of the work may be constructed of Tennessee marble, under the direction and at the discretion of the Commissioners. Which amendments were severally adopted.

Mr. Lenoir then moved to lay said bill on the table; which motion was disagreed to by the House.

Mr. Goode offered the following proviso to the fifth section to the bill:

"Provided the Penitentiary be not thereby made a charge upon the Treasury of the State;" which amendment was adopted.

Mr. Trott moved the indefinite postponement of the bill. And the question being taken, on agreeing to said motion, it was determined in the negative; yeas 14 nays 51

The yeas and nays, No. 241, being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative are,

Messrs Barrus, Carson, Cleveland, Dearing, Hord, Hughes, Lauderdale, Lenoir, McGinnis, Morrow, Trott, Turney, Wann, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Coggin, Cross of Madison, Crouch, Crudup, Edwards, Farquharson, Fisher, Garner, Glenn Goodall, Goode, Hamilton, Hodsdon, Huddleston, Humphreys, Jordan, Kinney, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nais, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Walker of Hickman, Walker of Williamson, Wheeler, Wyley, and Mr. Speaker Barringer.

So the House refused to indefinitely postpone said bill.

Mr. Miller of Hardeman, offered the following amendment as an additional section:

"Be it enacted, That the Commissioners appointed by this act are hereby authorised to purchase two acres of ground on the front or East side of the Capitol, for a sum not to exceed eight thousand dollars, and to take deeds in fee to the State for the same."

Mr. Maury moved an amendment, as a proviso, to said section, which is as follows:

"Provided that they can be bought on a credit of one and two years without interest."

Which amendment, offered by Mr. Maury, was rejected.

The question was then taken on the amendment offered by Mr. Miller of Hardiman, and determined in the negative; yeas 22, nays 42.

The yeas and nays, No. 242, being called for by Mr. Brooks and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bone, Cheatham, Edwards, Farquharson, Glenn, Goode, Hodsdon, Moorman, Rawlings, Scott, Trice, Walker of Hickman, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Burris, Carson, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Dearing, Fisher, Garner, Goodall, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, McGinnis, Milligan, Moores, Morrow, Morris, Nave, Richardson, Roach, Rodgers, Sherrill, Trimble, Trott, Turner, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

Said bill, as amended, was then read a third time. And the question being taken, "shall the bill pass," it was determined in the affirmative; yeas 40, nays 24.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Bone, Brooks, Cheatham, Cross of Madison, Edwards, Farquharson, Fisher, Goodall, Goode, Hamilton, Hadsden, Houston, Humphreys, Jourdon, Marr, Maury, Miller of Harleman, Miller of Marshall, Moores, Moorman, Morris, Nave, Rawlings, Richardson, Rouch, Rodgers, Scott, Trice, Trimble, Turner, Walker of Hickman, Walker of Williamson, Wheeler Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Bobo, Burrus, Carson, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Dearing, Garner, Glenn, Hord, Hugler, Kinney, Lenoir, McGinnis, Milligan, Morrow, Sherrill, Wann, and Williams.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

On motion, the House took up the motion made, by Mr. Miller of Hardeman, on yesterday, to reconsider the vote of the House, non-concurring in Senate's second amendment, to a bill, No. 138, to charter the Bank of East Tennessee; which motion, to reconsider, was agreed to by the House. And the question was then taken on concurring with said Senate's amendment, to strike out the eighteenth section of the bill, and was determined in the affirmative; yeas 34, nays 32.

The yeas and nays, No. 244, being called for by Mr. Boddie, and ordered by the House.

Those who voted in the affirmative are,

Messrs Alexander, Avery, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Hamilton, Hadsden, Humphreys, Jourdon, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Coggin, Cross of Sullivan, Crouch, Edwards, Farquharson, Fisher, Garner, Glenn, Goode, Hord, Houston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Marshall, Milligan, Polk, Richardson, Scott, Trott, Turner, Wann, Wyley, and Mr. Speaker Barringer.

So said amendment was concurred in.

The House took up Senate's third amendment, to wit:

3. Insert the words "in gold or silver," after the words "paid for;" in the 11th line on the second page from the top in 1st section.

Mr. Williams moved to amend said Senate's amendment by adding after the word "silver," the words "or in notes or bills which the commissioners or directors may deem equivalent to or better than specie;" which was adopted.

Said amendment as amended was then concurred in by the House.

The fourth amendment of the Senate which is: Insert the word "under," after the word "and," in the 13th section, article I, and 1st line;" was then concurred in by the House.

The fifth amendment of the Senate is as follows:

Sec. 19 That in consideration of the privileges granted by this charter the Bank agrees to pay the State annually, one quarter of one per cent. on the amount of capital stock subscribed.

Mr. Williams moved to amend said amendment by adding thereto the words "and paid in;" which was adopted.

Said amendment as amended was then concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Crudup,

The House took up a resolution, No. 150, proposing that the two Houses go into the election of an Attorney General for the 14th Judicial circuit on Thursday, the 28th inst.

On motion of Mr. Coggin,

Ordered that said resolution be referred to the Committee on the Judiciary, with instructions to report thereon to-morrow morning.

On motion of Mr. Moores,

The House took up a bill, No. 395, to amend an act entitled an act to establish a State Bank, to raise a fund for internal improvements, and to aid in the establishment of a system of education and for other purposes, being among the unfinished business of the House.

The amendment reported by the select committee to the second section of the bill being under consideration, and after some discussion thereon, on motion of Mr. Polk, said bill and amendment was laid on the table.

The House took up a resolution from the Senate, No. 103, in relation to the preservation of the public grounds, being also among the unfinished business of the House, the amendment of Mr. Miller of Hardeman being under consideration.

Mr. Rodgers moved to amend the resolution by striking out "Governor," and inserting in lieu thereof "the Secretary of State;" which amendment was adopted.

Mr. Rodgers then moved a reconsideration of the vote just taken on his amendment striking out Governor and inserting Secretary of State; which motion was agreed to by the House.

Mr. Richardson moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put it was determined in the affirmative, yeas 37, nays 26.

The yeas and nays, No. 245, being called for by Mr. Polk, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdon, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Boddie, Bobo, Cross of Sullivan, Crouch, Edwards, Farquharson, Fisher, Garner, Glenn, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Marshall, Milligan, Polk, Trott, Turner, Walker of Hickman, Wann, and Wyley.

So the House decided that the main question shall be taken.

And the question being taken, shall the House concur in said resolution, it was determined in the affirmative, ayes 38, nays 26.

The ayes and noes, No. 246, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Crudup, Dearing, Farquharson, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Cross of Sullivan, Crouch, Edwards, Fisher, Garner, Glenn, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Marr, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Sherrill, Trott, Turner, Walker of Hickman, Wann, and Wyley.

So the House concurred in said resolution.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trott moved to amend the caption of said resolution, as follows: "To authorise the Governor to take possession of Campbell's land, and thereby to increase his annual salary six hundred dollars."

Said motion was disagreed to by the House, only fifteen members voting for said motion.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their second reading, the following bills from the House:

Bill, No. 76, prescribing additional duties, to be performed by the staff of the Penitentiary; and

Bill, No. 273, to authorise the sale of certain real estate, in the town of Williamsport.

Which bills are herewith transmitted.

The Senate have taken up and adopted "A resolution, No. 98, directing to the Committee on Banks;" which resolution is herewith transmitted and the concurrence of the House therein is requested.

The Senate has taken up and considered the following resolutions from the House:

A resolution, No. 154, authorising the board of Internal Improvements to compromise with the *Murreesboro'*, Manchester, and Winchester turnpike company.

A resolution, No. 143, directory to the Treasurer of the State; and
A resolution, No. 130, directory to the Comptroller of the Treasury; which resolutions were severally concurred in by the Senate, and are herewith transmitted.

The Senate have taken up a resolution from the house, No. 131, directory to his Excellency, the Governor, which by order of the Senate, is herewith re-transmitted to the House; it not being a joint resolution.

The Senate have taken up and passed, on its third reading, a bill, No. 97, to consolidate and make one the Fayette, and Fayetteville Female Academy, and to appoint additional trustees for Fayette Academy, in Lincoln county; which bill is herewith transmitted, and the concurrence of the House in the passage thereof is requested.

The Senate have taken up house's amendment to Senate's amendment, to a bill from the house, No. 138, to charter the Bank of East Tennessee, and have concurred therein; which bill is herewith transmitted.

The Senate have again taken up and considered their amendment, to bill from the house, No. 82, to refund to Sheriffs revenue improperly paid by them; which amendment was non-concurred in by the house. I am directed to inform the house, upon further consideration, the Senate recede from their amendment; which bill is herewith transmitted.

The Speaker of the Senate has signed the following enrolled bill from the House:

An act giving further time for the completion of the Hiwassee Railroad; and

An act fixing the time of holding general musters in the eight brigade; which enrolled bills are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Polk, from the Select Committee, to which had been referred a bill, No. 9, to prevent illegal voting,

Reported that the Committee had had the same under consideration, and had instructed him to report an amendment to said bill, and with said amendment to recommend the passage thereof.

The amendment reported by the committee is as follows:

Insert in the third line after the word "assembly, "electors for President and Vice President of the United States, and all other popular elections."

Which amendment was adopted.

Said bill was then placed on the calendar amongst bills on their third reading.

Mr. Roach submitted the following resolution, No. 165:

Whereas this General Assembly is drawing to a close, and will shortly be terminated, and whereas, it is the duty of each General Assembly to make settlement with the Comptroller of the Treasury, and Treasurer of the State, in order to ascertain the exact state and

condition of the finances: and whereas, the duty of such settlement properly devolves upon the finance committee; therefore

Resolved, That the Committee on Finance, report to this House at as early a day as practicable, whether such settlements has been made, the condition of the accounts of said officers, whether such accounts have been kept agreeable to law, and whether the report of the Comptroller, and the amount of money in the Bank of Tennessee, on the 2nd day of October, 1843, correspond.

Which resolution was read and laid on the table.

On motion of Mr. Coggin,

The House took up his motion made the 11th Nov., to reconsider the vote of the House, rejecting:

A bill, No. 111, to repeal all laws establishing separate chancery courts, and for other purposes.

And the question being taken on said motion to reconsider said vote it was determined in the negative, ayes 25, nays 37.

The ayes and nays No 247, being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Luck, Bledsoe, Bobo, Brooks, Coggin, Cross Sullivan, Crudup, Dearing, Fisher, Garner, Glenn, Goodall, Hamilton, Huddleston, Jourdan, Lauderdale, McGinnis, Miller of Marshall, Morris, Nave, Roach, Rodgers, Sherrill, Trett, and Turner.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Burrus, Carson, Cleaveland, Crouch, Edwards, Goode, Hodsdon, Hord, Houston, Hughes, Humphreys, Kinney, Lenoir, Marr, Maury, Milligan, Moores, Moorman, Morrow, Polk, Rawlings, Richardson, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barwinger.

So the House refused to reconsider the vote.

Ordered that the clerk deposite the deed from George W. Campbell to the corporation of Nashville, and from said corporation to the State of Tennessee, for Campbell's Hill, in the office of Secretary of State subject to the order of this House.

Mr. Brooks asked and obtained leave to withdraw for amendment, a bill, No. 261, to restore Wm. Upchurch to the rights of citizenship.

Mr. Morrow asked and obtained leave to withdraw for amendment, a bill, No. 262, to authorize the Comptroller of the Treasury to pay John B. Rodgers the sum therein specified.

The House took up a bill, 114, to amend and explain the act of 1842, chap. 44; said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 63, nays none.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Edwards, Fatquarson, Fisher, Garner, Glenn, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale,

Wale, Lenoir, Marr, Maury, McGinnis, Miller of Marshall, Miller of Hardeman, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trott, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up "A bill, No. 102, to authorise Samuel W. Atkinson, of Davidson county, to open a turnpike road."

Mr. Wyley moved to strike out in the 5th line of the third section "fifth" and insert in lieu thereof "twenty-five;" which amendment was adopted.

Said bill, as amended, was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The House took up the following bills:

A bill, No. 106, to change the name of Andrew Law, to that of Andrew Kearly; and

A bill, No. 121, to restore Thomas Brake to the privileges of citizenship; which bills were severally read a first time and passed, and ordered to be engrossed and transmitted to the Senate.

The House took up "A bill, No. 119, to give the county courts certain powers."

Said bill was read a third time.

And the question being taken, "shall the bill pass?" it was determined in the negative, ayes 17, nays 44.

Those who voted in the affirmative are,

Messrs. Bobo, Carson, Cleaveland, Dearing, Hodsden, Kinney, Morris, Nave, Rodgers, Scott, Sherrill, Trimble, Turner, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Burris, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Farquharson, Fisher, Glenn, Goodall, Goode, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Lauderdale, Lenoir, Marr, Miller of Hardeman, Miller of Marshall, Maury, McGinnis, Milligan, Moores, Morrow, Rawlings, Richardson, Roach, Trott, Tyler, Walker of Hickman, Wann, and Wyley.

So said bill was rejected.

Mr. Huddleston, who had withdrawn for amendment, "A bill, No. 217," returned said bill with an amendment thereto.

Ordered that said bill be placed on the calendar, among the bills on their third reading.

The House took up "A bill from the Senate, No. 197, to consolidate and make one, the Fayette and Fayetteville Female Academy, and to appoint additional trustees for Fayette academy, in Lincoln county."

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Avery submitted the following resolution, No. 164:

Resolved, That the Judiciary Committee be and they are hereby

instructed to inquire into the expediency of adopting some plan by which to revise and condense the statutes of this State, and that they inquire into the probable cost of the same, and report accordingly.

Which was read and laid on the table.

The House then adjourned.

THURSDAY, DECEMBER 28, 1843.

The House met pursuant to adjournment.

Mr. Bond, from the Committee on Enrolments, reported as correctly engrossed, the following bills:

A bill, No. 106, to change the name of Andrew Law, to that of Andrew Kearly.

A bill, No. 114, to amend and explain the act of 1842, chap. 34.

A bill, No. 121, to restore Sherwood Drake, of Bledsoe county, to the privileges of citizenship; and

A bill, No. 235, to appoint commissioners to superintend the construction of the State House, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the State from taxation.

Mr. Bond, from said committee, reported as truly enrolled the following bills, to wit:

An act prescribing additional duties to be performed by the agent of the penitentiary.

An act to refund to sheriffs revenue improperly paid by them; and

An act to authorise the sale of certain real estate, in the town of Williamsport.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

A message from His Excellency the Governor of the State of Tennessee, by Mr. John S. Young, Secretary of State, in writing; which was read at the clerk's table, as follows:

EXECUTIVE DEPARTMENT,
Nashville, Dec. 27, 1843. }

Gentlemen of the Senate, and

House of Representatives:

I had the honor to receive a few days since, by the hands of your clerk, a preamble and resolution, directory to the Governor, and avail myself of an early opportunity to respond. If I were disposed to indulge in language discourteous towards a co-ordinate department of Government, I might find in the preamble accompanying this resolution, ample justification; if indeed any thing could justify so gross a departure from the rules of propriety. Does any member of the General Assembly suppose that the panoply of party will shield such conduct from merited censure? Let him indulge the hope; as for myself, I cannot so far forget what is due alike to personal honor and dignity to the office I hold, as to enter the

I shall not, therefore, enter into a vindication of the charge of unfaithfulness contained in the preamble, well satisfied that a simple statement of facts will be a sufficient refutation.

By the resolution, I am required to communicate as soon as practicable, whether I have complied with the provisions of the 20th sec. of the act of 1838, establishing a State Bank, and if not, the reasons for such failure or neglect. In reply to this general inquiry, I have to state, that I complied with all the duties incumbent on me as Governor of the State, not only in reference to the 20th sec. of the act of 1838, but all duties appertaining to the office. But if, as is asserted in the preamble, a failure to notify the Internal Improvement companies of the State, that the Bank of Tennessee had not met the interest of the State bonds, constitutes a dereliction of duty, I beg leave to dissent from such a construction of the law. I will not impute to the author of the preamble and resolution motives and feelings unbecoming a Representative of the people, but I must be permitted to say, with all proper respect, that the position here assumed indicates a very imperfect understanding of the facts contained in my Message communicated in the Report of the President of the Bank of Tennessee.

I have given no such notice to the Internal Improvement companies according to the 20th section of the act of 1838, because the contingency on which the notice was to be given did not arise. The President and Directors of the Bank gave no notice of the inability of the Bank to meet the interest on the bonds, and if such inability existed, the failure to notify me of the fact, would constitute a dereliction of duty on their part.

The preamble proceeds on the supposition, that a deficiency in the means of the Bank to meet the interest on the bonds had already occurred, when the fact is far otherwise. The deficiency spoken of is prospective and must occur before the meeting of the next General Assembly, and the subject was brought in my Message to the consideration of the General Assembly in order that steps might be taken to raise the interest and protect the honor of the State. I stated in my Message (and it gives me pleasure to repeat the declaration,) that up to that time all the obligations of the State had been promptly met, and faithfully redeemed, and I then proceeded to show from such data as were before me, that a deficiency would occur; for by contrasting the profits of the last year with the annual liabilities of the Bank, there appears an excess of expenditure over the profits of \$88,143.

Although there appears this large excess of expenditure over the profits of the Bank for the last year, yet it must be borne in mind and is known to all who have examined the report of the President of the Bank of Tennessee to the General Assembly at the session of 1841, that there was at that time a large accumulated surplus of profits remaining in the Bank, amounting to \$278,534 39; and in addition to the fact contained in that report, the Report of the President of the Bank, submitted to the present General Assembly shows, that there was on the first of July, reserved profits amounting to \$69,159 51.

It is true the late report of the Bank shows an immense curtailment of a sinking or contingent fund in the last two years, there being

within that time a reduction of more than \$200,000. Suppose, as is stated in the last report, that there is only \$69,159 51 to be applied to the interest of the bonds of the State, will any one contend that a demand could properly be on the internal improvement companies to provide for the payment of the interest on State bonds under the provisions of the 20th section of the act of 1838? Yet with the facts contained in the Bank report of 1841, showing a surplus of \$278,534 39, and the fact contained in the late report, admitting a surplus of \$69,159 51, which it is fair to presume were known to the author of the preamble and resolution, I am charged with unfaithfulness in not notifying the individual stockholders in all the internal improvement companies that there was a deficiency of funds to meet the interest on the bonds of the State.

Being called on by the resolution to communicate such other information touching the subject as may be in my possession, I can only say, I presume I have nothing to state not already known to every gentleman charged with the care and protection of the public interest; but lest I should be thought captious and wanting in respect to a co-ordinate department of the Government, I will submit some facts and suggestions connected with the subject which are presented to my mind. My attention being called to this subject by your resolution of inquiry and seeing the great diminution of the contingent fund of the Bank for the last two years, as appears by the report of the President, being the difference between \$69,159 51 and \$278,534 39, I thought proper to address a note to the President of the Bank requesting a statement of the expenditures of the Bank from Oct. 1, 1841, to Oct. 1, 1843, and also the nett profits of the Bank for the same period. I received a reply from the President of the Bank which is herewith transmitted — It appears that the expenditures of the Bank for the last two years for interest on State bonds and appropriations to schools and academies, amount to \$502,729 49.

Amount of dividends declared from Oct. 1, 1841, to Oct. 1, '43, by principal Bank and Branches, \$363,516 00, making an excess of expenditure over profits of \$137,213 49. Deducting the sum of \$137,213 49 from the amount reported by the President of the Bank in 1841, to the General Assembly, as being on hand, it will still leave of this sinking or contingent fund in the Bank the sum of \$141,220 90, instead of \$69,169 51, as reported by the President of the Bank to the present General Assembly. I am at some loss to account for this incongruity in the report of the President of the Bank, and the communications accompanying this message, but presume that that officer can give the necessary explanation. I have thought it proper to submit this subject to your consideration, as it may materially affect the question of the amount of revenue necessary to be raised in order to protect the public credit. It is a question worthy of consideration whether the State could with propriety call on the individual stockholders in internal improvement companies under the 20th section of the act of 1838, establishing the State Bank, in the event of a actual inability on the part of the Bank to meet the interest in bonds issued for the benefit of internal improvement companies. If the act passed

1838, establishing the Bank of Tennessee is to be regarded as a contract between the State and the individual stockholders of internal improvement companies—and this is most unquestionably the true construction—it may be a matter of some doubt whether a subsequent act of the Legislature, changing the terms of that contract, does not release from liability the individual stockholders in all internal improvement companies under the 20th section of the act of 1838. By the provisions of the act of 1838, the State agreed to establish a Bank with a capital of five millions of dollars, and the profits of the capital to be applied in payment of the interest of the bonds of the State and to schools and academies, and it was on this condition that the individual stockholders in all internal improvement companies agreed to become parties to the contract. The General Assembly at its session of 1839, determined, and I think wisely, to reduce the capital of the Bank \$1,500,000, and accordingly directed the bonds to that amount issued as a part of the capital of the Bank, to be destroyed. In addition to this reduction of the capital, the Legislature ordered a further reduction of the capital of the Bank in 1841, by appropriating \$200,000 to the rivers in East and West Tennessee. Although this act does not expressly declare that this \$200,000 shall be taken from the capital of the Bank; yet the Bank is directed to pay the sum, and as the Bank was making no profits out of which it could be paid, it must of course be taken from the capital. It seems to me that these repeated inroads and alterations of the original contract, must necessarily release the individual stockholders from all liability to pay any part of the interest on the bonds of the State. I would not be understood as desiring to exempt from liability any internal improvement company not legally free from immunity; on the other hand I desire to see them held to a strict accountability for a faithful performance of their engagements; but if they are not liable for the payment of the interest on the bonds, it is important that it should be known. In order that the question may be settled, I recommend that the Attorney General be directed to take steps to bring the point directly before the Supreme Court of the State.

JAMES C. JONES,

On motion of Mr. Rodgers,

Said message and accompanying documents was laid on the table.

On motion of Mr. Richardson,

Ordered that 500 copies of the message with the accompanying documents and the resolution directory to the Governor be printed for the use of this House.

CONVENTION OF THE TWO HOUSES.

The two houses of the General Assembly assembled in convention in the Representative hall, in pursuance of a joint resolution adopted by both houses for the purpose of going into the election of a Judge for the criminal court at Memphis.

The convention then proceeded to take the vote of both Houses viva voce in said election, Messrs. Ephraim W. M. King and Sylvester Bailey being in nomination as candidates for said office.

Resolved and passed.

And after taking the vote of both Houses of the General Assembly viva voce in said election for the second time, the same candidates being in nomination, and the vote of the House of Representatives was as follows:

FOR MR. KING:

Messrs. Anderson, Black, Bobo, Boddie, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Morrow, Morris, Polk, Scott, Sherrill, Trice, Trott, Turner, Walker of Hickman, Wann, and Wyley—36 votes.

FOR MR. BAISEY:

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Dearing, Goode, Hamilton, Hodsden, Jourdon, Lenoir, Maury, Moores, Moorman, Nave, Rawlings, Richardson, Roach, Rodgers, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer—29 votes.

It being reported to the convention, by Mr. Cocke, clerk of the Senate, that the result of the vote of the Senate in said election was, for Mr. King, 7 votes, and for Mr. Bailey, 15 votes.

And it appearing that E. W. M. King had received a majority of all the votes given by both Houses in said election, the Speaker of the Senate thereupon declared Ephraim W. M. King to be duly and constitutionally elected Judge of the criminal court at Memphis, in Shelby county, for the term of eight years.

The business that brought the two houses together having been disposed of, Mr. Speaker and gentlemen of the Senate withdrew from the Representative hall, and the House resumed its session.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred, A bill from the Senate, No. 187, to authorize the Planters' Bank to declare certain dividends, reported that the committee had had the same under consideration and had instructed him to report said bill with an amendment and with said amendment to recommend the passage thereof.

The amendment reported by the committee is as follows:

Strike out the proviso to the first section of the bill and insert in lieu thereof the following: "Provided that nothing herein contained shall be construed to authorize any dividends to be paid whereby the capital stock of said bank shall be reduced below the value of eighty dollars per share, their present estimated value;" which amendment was adopted.

Said bill as amended was then read a second time and passed.

Ordered that said bill be referred to the Committee on the Judiciary, together with sundry amendments thereto.

Mr. Miller of Hardeman, from said committee, to which had been referred, a bill from the Senate, No. 81, to reduce the costs chargeable to the State in criminal prosecutions, reported said bill with an amendment thereto, and with said amendment recommended the passage thereof.

Which amendment is, add to the second section "unless otherwise ordered by the court."

Which amendment was adopted.

Said bill was then read as amended, a second time, and passed.

Mr. Miller of Hardeman, from said Committee, to which had been referred, a bill, No. 223, to define the duty of persons claiming property exempt from execution, by the laws of this State, reported said bill without amendment, and recommended the rejection thereof; said bill was then read a second time and rejected.

Mr. Miller of Hardeman, from the same Committee, to which had been referred, a bill, No. 306, to authorise guardians of minors, idiots, and lunatics to receive and move from this State any property to which such ward may be entitled when both guardians and wards reside out of this State, reported said bill without amendment and recommend the passage thereof; said bill was then read a second time and passed.

Mr. Miller of Hardeman, from the same committee, to which had been referred, a bill, No. 303, for the relief of the securities of Madison G. Fellers, late sheriff of Greene county, reported said bill without amendment, and recommended the rejection thereof; said bill was then read a second time and passed.

Mr. Milligan asked and obtained leave to withdraw said bill for amendment.

Mr. Morrow, who had withdrawn for amendment, a bill, No. 278, to amend an act entitled "an act to incorporate the town of Tazewell, in the county of Claiborne, passed 1st Nov. 1843, and for other purposes" returned the same with the following amendment:

Sec. 4. *Be it enacted*, That when any of the lines named in the act passed Nov. 1st, 1843, incorporating the town of Tazewell, come in conflict with lines in the 1st section of this act be and the same is hereby repealed, any thing to the contrary notwithstanding; which amendment was adopted.

Said bill was then ordered to be placed on the calendar among bills on their third reading.

Mr. Coggin, who had withdrawn for amendment a bill, No. 163, to alter the dividing line between Cannon and Dekalb counties, returned said bill with the following amendment in lieu of the whole bill from the enacting clause: "that the dividing line between Cannon and Dekalb counties be so altered that the dwelling house of Alfred Handcock as to include the same in Cannon county;" which amendment was adopted.

Said bill as amended was then read a third time and passed; and ordered to be engrossed and transmitted to the Senate.

Mr. Maury, from the Committee on Enrolments, reported as truly enrolled the following resolution, to wit: a resolution directory to the Superintendent of Public Instruction or Comptroller of the Treasury.

A resolution directory to the Treasurer, and a resolution authorising the board of Internal Improvement, to compromise with the Murfreesboro', Manchester, and Winchester turnpike company.

The Speaker of this House thereupon signed said enrolled resolutions.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Thereupon signed said enrolled resolutions, which were then read a first time and passed.

Mr. Brooks, who had withdrawn for amendment a bill, No. 261, to restore William Upchurch to the rights of citizenship, returned said bill without amendment; said bill was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

A message from the Senate, by Mr. Cocke, their clerk:

MR SPEAKER: The Senate have taken up and passed on its third reading, without amendment a bill, from the House, No. 7, to prescribe the time, place, and manner of choosing Senators to the Congress of the United States; which bill is herewith transmitted.

The Senate have taken up and passed on their third and last reading the following bills, to wit:

A bill, No. 163, in obedience to a resolution in favor of John Norman, adopted January 22d, 1842.

A bill, No. 164, to declare the embezzlement of money by certain Bank officers a felony.

A bill, No. 167, to carry into effect the system of literary exchanges.

A bill, No. 171, to authorise the election of an additional justice of the peace in the town of Chattanooga.

A bill, No. 181, to prevent frivolous and malicious prosecutions; and a bill, No. 186, to provide for the registration of titles to the State and for other purposes; which bills are herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Senate have received and read sundry memorials from sundry citizens of the counties of Warren and Coffee a majority praying for and a minority against the establishment of a new county South and South East of the counties of Coffee and Warren, and North of Marion.

Which memorials are herewith transmitted.

The Speaker of the Senate has signed an enrolled resolution from the Senate, entitled, a resolution directory to the Attorney General and reporter of the State of Tennessee; which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the Senate has signed the following enrolled bills from the House entitled, "an act prescribing additional duties to be performed by the agent of the Penitentiary."

An act to refund to sheriffs revenue improperly paid by them; and an act to authorise the sale of certain real estate in the town of Williamsport; which enrolled bills are herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr. Speaker Barringer, from the select committee, to which had been referred, a bill, No. 275, to increase the revenue of the State, and sundry other bills, reported that the committee had had the same under consideration and had instructed him to report a bill in lieu of bill No. 275, from the enacting clause, and to recommend the passage of the same.

Mr. Brooks moved to amend the seventh section of the bill by adding the following proviso:

"Provided, that if any person selling by the quart, shall provide any other place for drinking, or any other place where he drank other than the place ordered by the court."

where sold, he shall be guilty of all the offences intended to be prevented, and subject to all the penalties presented in this section."

Which amendment was adopted.

Mr. Avery moved that said bill in lieu of original bill, No 215, be laid on the table, and that one hundred and fifty copies be printed for the use of this House.

Mr. Brooks moved for a division of the question.

And the question was first taken on printing, as moved by Mr. Avery and was determined in the affirmative, ayes 38, nays 36.

The ayes and nays, No. 250, being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Biedsee, Boddie, Brooks, Cleveland, Coggin, Cross of Madison, Deavenport, Dearing, Edwards, Eubank, Faquharson, Fisher, Garner, Goode, Hodsden, Houston, Hughes, Kinney, Lenoir, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Rawlings, Richardson, Rodgers, Trice, Trimble, Trott, Walker of Williamson, Wheeler, Williams, Wyley, and and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Bond, Bone, Burrus, Carson, Cross of Sullivan, Cronch, Glenn, Goodall, Hamilton, Hord, Huddleston, Jordan, Lauderdale, Murray, Moores, Moorman, Morris, Nave, Roach, Scott, Sherrill, Turner, Tyler, Walker of Hickman, and Wann,

So said motion to print was agreed to by the House.

The Speaker of this House signed an enrolled resolution from the Senate, entitled, a resolution directory to the Attorney General, and reporter of the State of Tennessee.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

FRIDAY, DECEMBER 29, 1843.

The House met pursuant to adjournment.

Mr. Gordon presented a petition, No 184, from sundry members of the St James Lodge of Maury county, praying an act of incorporation for said lodge, No. 105; which was read and ordered to be transmitted to the Senate.

Mr. Goode, from the Committee on Enrolments, reported as correctly engrossed, the following bills, to wit:

A bill, No. 165, to alter the dividing line between Cannon and DeKalb counties; and

A bill, No. 261, to restore William Upchurch to the rights of citizens in

Mr. Goode, from the same committee, reported as truly enrolled, an act to prescribe the time, place, and manner of choosing Senators to the Congress of the United States.

The Speaker of this House thereupon signed said enrolled bill.

and a bill to incorporate a road across Cumberland mountain, which was read a first time and passed.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Morrow, from the Committee on Claims, to which had been referred a petition, No. from Mr. Rodgers, John Ford, and others of Humphreys county, praying for legislative relief; and a petition No. 61, from the sheriff, and other citizens of Coffee county, praying for legislative relief to said sheriff; reported that the committee had had the several petitions under consideration, and had instructed him to report that the prayer of the petitioners is unreasonable, and ought not to be granted, and asked to be discharged from the further consideration thereof; which report was concurred in by the House.

Mr. Morrow, from same committee, to which had been referred the following petitions: a petition, No. 31, from Allen D. Gentry, praying for legislative relief; and a petition, No. 152, of Samuel Wilson, praying for legislative relief; reported that the committee had had the several petitions under consideration, and had instructed him to report that the prayer of the petitioners is unreasonable, and ought not to be granted, and to ask to be discharged from the further consideration thereof.

On motion, said petitions and report was laid on the table.

Mr. Morrow, from same committee, to which had been referred a bill from the Senate, No. 144, to authorise the County Court of Marshall county, to appropriate certain moneys for expenses in defending a suit for the benefit of said county; reported said bill without amendment, and recommended the passage thereof; said bill was then read a second time and passed.

On motion of Mr. Black,

Said bill was recommitted to the Committee on claims.

Mr. Morrow, from the same committee, to which had been referred the petition, No. 183, from the Mayor and other citizens of Memphis, praying the passage of a law authorising the County Court of Shelby to make an appropriation for the burial of paupers in the city of Memphis, reported that the committee had had the same under consideration, and had instructed him to ask to be discharged from the further consideration thereof, and recommended its reference to the Committee on the Judiciary; which report was concurred in by the House.

Ordered that said petition and accompanying documents be referred to the Committee on the Judiciary.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred a bill, No. 33, to repeal the 6th section of the common school act, passed 12th day of January, 1842; reported said bill without amendment, and recommended the rejection of the same; said bill was then read a second time and rejected.

“Mr. Hodsdon, from same committee, to which had been referred a bill, No. 92, to amend “an act passed 12th January, 1842, chapter 67, to amend the common school law and for other purposes;” reported said bill without amendment, and recommended its rejection.

On motion of Mr. Lenoir,

Said bill and report was laid on the table.

Mr. Hodsdon, from same committee, to which had been referred a bill from the Senate, No. 197, to consolidate and make one Fayette

and Fayetteville female academies, and to appoint additional trustees for Fayette academy, in Lincoln county; reported said bill without amendment, and recommended the passage thereof; said bill was then read a second time and passed.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a petition, No. 151, praying the commissioners appointed to clear out Lick creek, in Green county, be required to expend the money appropriated to said creek, between the mouth of the creek and Pogue's mill; reported that the committee had had the same under consideration, and had instructed him to report the following bill, in obedience to the prayer of the petitioners, and recommend the passage of the same:

A bill, No. 311, to amend an act, entitled "an act to establish a board of commissioners for the improvement of the rivers in Tennessee, East of Knoxville," passed January 26th, 1838; said bill was read a first time and passed.

Mr. Richardson, from same committee, to which had been referred a bill, No. 307, to remove obstructions in Obion river, in Overton county; reported said bill without amendment, and recommended its rejection; said bill was then read a second time and passed.

Mr. Richardson, from same committee, to which had been referred a bill, No. 257, to amend the act of 1811, chapter 120, section 1; reported said bill without amendment and recommended its rejection.

Mr. Avery moved to amend said bill, by striking out in the first line the word "several" and in the third line, the words "in this State," and insert in lieu thereof after the words, "county courts of Shelby, Fayette, and Hardeman counties;" which amendment was adopted; said bill amended, was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Avery, the caption of the bill was stricken out and the following substituted: a bill to confer certain powers upon the county courts of Shelby, Fayette, and Hardeman counties.

Mr. Richardson, from same committee, to which had been referred a bill, No. 287, to incorporate the Richland turnpike company; reported that the committee had had the same under consideration, and had instructed him to report that the committee ask to be discharged from the further consideration of the same, and recommend that it be laid on the table; which report was concurred in, and the bill and report laid on the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed, on their third and last reading, the following bills: a bill, No. 20, to equalize the burdens of taxation by introducing more uniformity in the valuation of property throughout the different counties in this State; and a bill, No. 87, to prescribe the mode of registering conveyances made for the separate use and maintenance of married women; which bills are herewith transmitted, and the concurrence of the House in the passage thereof, is requested.

The Senate have taken up and considered a resolution from the House, No. 146, proposing to build the joint resolution, fixing the route of the Cumberland turnpike road across Cumberland mountain; which was passed a first time and passed.

adjournment, *sine die*, of the present General Assembly, on Monday, the 1st day of January next, and have concurred therein, with an amendment thereto, in which amendment of the Senate, the concurrence of the House is requested.

The Senate have taken up and considered a resolution, No. 133, for the relief of Anderson Cheatham; in which resolution the Senate concur without amendment, and is herewith transmitted.

The Speaker of the Senate has signed the following enrolled resolution and bill from the House: a resolution directory to the superintendent of public instruction or comptroller of the treasury; a resolution directory to the treasurer: a resolution authorising the board of Internal Improvement, to compromise with the Murfreesboro, Manchester, and Winchester turnpike company: and an act to prescribe the time, place, and manner of choosing Senators to the Congress of the United States; which enrolled bill and resolutions are herewith transmitted.

Ordered that the clerk deposit the same in the office of the secretary of State.

Mr Trimble, from the select Committee on Revenue, to which has been referred a bill, No. 283, to authorise the treasurer and officers of the Bank of Tennessee, to draw upon each other, reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment, and recommend the passage of the bill with said amendment.

The amendment as a proviso to the second section of the bill, provided that there shall be in the said Bank a surplus of profits over and above its current liabilities as imposed by its charter; which amendment was adopted.

Mr. Boddie then moved to amend the 1st section of the bill by adding the following proviso:

Provide, There be in the Treasury money not otherwise appropriated.

Said amendment was adopted.

Said bill, as amended, was then read a second time and passed.

On motion of Mr. Bond,

Ordered that said bill be recommitted to the committee, with an amendment offered by Mr. Bledsoe constituting an additional section.

Mr. Miller of Harleman, from the Committee on the Judiciary, to which had been referred, "A bill, No. 132, for the benefit of garnishees in certain cases," reported said bill without amendment, and recommended the passage thereof.

Said bill was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative; yeas 34. nays 31.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Dearing, Farquharson, Fisher, Good II, Hughes, Jourdan, Kinney, Le Noir, Maury, Miller of Harleman, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trot, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Baringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Boddie, Carson, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Goode, Gordon, Hamilton, Hord, Hodsden, Houston, Lauderdale, Marr, McGinnis, Miller of Marshall, Milligan, Moores, Moorman, Morris, Turner, Walker of Hickman, Wann, and Wyley.

Said bill passed on its third and last reading in the House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Walker of Hickman asked and obtained leave to withdraw for amendment, "A bill from the Senate, No. 131, to amend the act incorporating the town of Centreville

The House then took up the following bills from the Senate, to-wit:

A bill, No. 87, to prescribe the mode of registering conveyances, made for the separate use and maintenance of married women.

A bill, No. 116, to change the time of holding the supreme court at Knoxville.

A bill, No. 151, to tax public watering places.

A bill, No. 161, to settle and regulate the conflicting claims of the State of Tennessee, private creditors in certain cases.

A bill, No. 163, in obedience to a resolution in favor of John Norman, adopted January 22; 1843.

A bill, No. 164, to declare the embezzlement of money by certain Bank officers, a felony.

A bill, No. 171, to authorize the election of an additional justice of the Peace, in the town of Chattanooga

A bill, No. 181, to prevent frivolous and malicious prosecutions.

A bill, No. 182, prescribing the duty of the Directors of the principal Bank of the Bank of Tennessee, in appointing Directors of the Branch Banks; and

A bill, No. 185, to provide for the registration of titles to the State, and for other purposes.

Which bills were severally read a first time and passed.

The House took up a bill from the Senate, No. 20, to equalise the burdens of taxation by introducing more uniformity in the valuation of property, throughout the different counties in the State; which was read a first time and passed:

The House took up "A bill, from the Senate, No. 118, to charter the Memphis Insurance company.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up a bill from the Senate, No. 167, to carry into effect the system of literary exchanges; which was read a first time and passed.

Ordered that said bill be referred to the Committee on education and Common Schools.

The House took up a bill from the Senate, No. 177, to authorize Aaron Higganbotham and David Rankin to extend and keep in repair Higganbotham's turnpike road across Cumberland mountain; which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

Mr. Williams asked and obtained leave to withdraw for amendment, a bill from the Senate, No. 116, to change the time of holding the Supreme court at Knoxville.

The House took up a memorial, No. 143, of a large number of citizens from the counties of Warren and Coffee a majority praying for, and minority against the establishment of a new county South and South East of the counties of Coffee and Warren, and North of Marion.

On motion of Mr. Moores,

Ordered that said memorials be referred to the Committee on New Counties and County Lines.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the following resolutions from the House, to wit: "a resolution, No. 105, directory to the superintendent of the Penitentiary;" in which resolution the Senate nonconcur; and a resolution, No. 147, making it the duty of the keeper of the Penitentiary to take care of the public arms; in which resolution the Senate have concurred and which are herewith transmitted.

The Senate have taken up and considered a resolution from the House No. 146, directory to the Committee on the Penitentiary; in which resolution the Senate nonconcur, and the same is herewith transmitted.

The Senate have taken up and read the following petitions: a petition, No. 109, of 300 citizens of Davidson county, praying for the passage of a law, chartering the Mill Creek turnpike road; and a petition, No. 110, from 100 citizens of Davidson county, remonstrating against the establishment of Cumberland county; which petitions are herewith transmitted.

The Speaker of the Senate has signed the following enrolled resolution, from the Senate, entitled: a resolution placing under the care and charge of his Excellency the Governor of the State, the site selected for the erect on of the capitol of the State of Tennessee; which enrolled resolution is herewith transmitted for the signature of the Speaker of the House of Representatives. The Speaker of this House thereupon signed said enrolled resolution; ordered that the clerk acquaint the Senate therewith.

The House took up the following communication from the comptroller, transmitted from the Senate, which was read at the clerk's table as follows:

COMPTROLLER'S OFFICE, }
Nashville, Dec, 23d, 1843. }

To the General Assembly of the State of Tennessee:

In obedience to a resolution adopted on the 14th inst., directory to the comptroller to furnish the General Assembly with a statement shewing the amount of money now in the treasury of the State of Tennessee; what the amount of the State liability, and what the amount of the deficit necessary to be raised. I have the honor to report,

1st. That the amount of money now in the treasury of the State, is \$40,372 59.

2d. That it is thought impracticable to furnish a precise statement of the amount of the state liability, the larger portion of the demands upon the treasury being of an irregular character. The disbursements on account of costs of State prosecutions, silk, bounties conveying criminals to the Penitentiary, apprehending fugitives, Legislative expenses, and all acts of special appropriations, embracing a large portion of the State liability, are particularly so. But these disbursements, even which are regarded as ordinary and regular, and the annual amount of which is fixed by law, such as the salaries of executive and judiciary officers, are not unfrequently irregularly drawn from the treasury. For example, the amount of salaries due to Judges of the different courts and attorneys general, is \$35,150 annually; yet, during the four years terminating Oct. 2d, 1845, the annual amount drawn from the treasury, on this account, has ranged from \$31,718 33 in 1840 to \$38,267 28, in 1843. Similar irregularities exist with all demands upon the treasury, particularly such as are classed as miscellaneous or extraordinary.

3d. That in view of these and similar irregularities in the principal sources of revenue paid the Treasury, it is deemed impracticable to state with accuracy the amount of deficit necessary to be raised. It is therefore respectfully suggest, that nothing more than an estimate of the probable liabilities of the State, and of the deficit necessary to be raised, founded on past annual receipts and disbursements, and exhibited by reports heretofore made, can be arrived at from the books of this office, which estimate, if deemed necessary, will be cheerfully submitted.

Very respectfully,

F. K. ZOLLICOFFER, *Comptroller*.

Which report was laid on the table.

The House took up Senate's amendment to a bill from the House, No. 169, to charter a company to construct a turnpike road from Gallatin, in Sumner county, by the way of Hartsville, to Carthage, in the county of Smith, to be called the Gallatin and Carthage turnpike company.

Senate's amendments are as follows: first, strike out of the 5th section, 15th line, the words "four wheel," and insert "two horse," in the 16th line strike out "two wheel" and insert "one horse;" second, add to the end of the last section "or Carthage."

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to a bill from the House, No. 104, for the benefit of Benjamin P. Wheeler, and William Laws; which said Senate's amendment is as follows:

Provided that said mill is situated below the point to which said river has been declared navigable, and below where boats will probably be built in future upon said river.

In which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to "A bill from the House, No. 5, to extend the provisions of the 17th section of an act passed 5th of Feb. 1836," entitled "an act setting forth the property real and personal, and the privileges and occupations liable to taxation in this state."

Which amendment is as follows:

Strike out all after the words "span cotton," to the words "and garden seeds."

In which amendment of the Senate the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to House resolution, No. 156, proposing to rescind the joint resolution, fixing the adjournment sine die of the present General Assembly, on Monday, the 1st day of January next.

Which amendment is as follows:

Resolved, That this General Assembly will adjourn sine die on Tuesday, the 16th day of January.

In which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up a message from the Senate nonconcurring with the amendment of the House to a bill from the Senate, No. 94, directory to the Committee on Banks.

Mr. Boddie moved that the House insist upon their amendment to said resolution; which was agreed to.

Ordered that the clerk acquaint the Senate therewith.

The House took up a message from his Excellency the Governor of the State, which has been transmitted from the Senate; which was read at the clerk's table as follows:

Executive Department,
NASHVILLE, Dec. 26, 1813 }

Gentlemen of the Senate and House of Representatives:

By the provisions of a resolution passed at the present session of the General Assembly appointing commissioners to examine the Bank of Tennessee and its Branches, it is provided that if any one of the commissioners so appointed shall refuse to serve it shall be the duty of the Governor to supply the vacancy. I have received various communications from the gentlemen appointed, and have without delay proceeded to make other appointments.

I have succeeded in filling up the boards of commissioners at all the branches where vacancies have occurred except at Athens and at Sommerville, and I think it probable the board at Sommerville is complete, as there was at the latest advices but one vacancy which was filled some days since.

I think it probable that there is no one that has as yet consented to serve at Athens; I know this is so unless Mr. McCarty is willing to act, I have not heard from him except by rumour, which states that his health is so bad as to preclude the possibility of his acting, the two other gentlemen appointed by the Legislature for the Branch, decline and on receipt of the refusal to act I have appointed other gentlemen all of whom decline serving.

I have thought it proper to communicate these facts to the General Assembly, and to suggest whether it might not be to the interest of the State to appoint the board of commissioners that have examined the principal bank, to repair without delay to Athens, and examine the branch. I may continue for months to make appointments with as little

success as heretofore, and although it will add something to the cost of examining this branch in travelling to and from Athens, yet I think it probable, additional expense will be fully balanced by the increased facility, with which the investigation will be made by the experience of the gentlemen who have been engaged in this labor, at the principal Bank.

JAMES C. JONES.

On motion of Mr. Bond,

Ordered that the above message, from His Excellency the Governor, be referred to the Committee on Banks.

The House took up the unfinished business of Dec. 27, being the special order of the day, which was "A bill, No. 295, to amend an act entitled An act to establish a State Bank, to raise a fund for Internal Improvements, and to aid in the establishment of a system of Education, and for other purposes."

The amendment offered by Mr. Walker of Williamson, being under consideration, Mr. Maury offered the following in lieu of the amendment offered by Mr. Walker of Williamson: "that of the dividends which may be declared by the Bank, an amount equal to the legal interest on the common school fund invested in said Bank, shall be set apart annually for distribution among common schools, and \$18,000 in like manner, for distribution among academies, an adequate amount, likewise, shall be set apart and appropriated to the payment of the interest on the bonds of the State, which are or may be chargeable on the Bank, and the residue shall be added to the sum herein before set apart for distribution among common schools, provided that the aggregate amount of said addition shall not exceed \$100,000."

Which amendment was accepted by Mr. Walker of Williamson.

Mr. Farquharson moved to amend said amendment so as to provide for the payment of \$100,000 to common schools, and \$18,000 to academies, \$60,000 to the payment of the interest of the State bonds, issued for Bank capital, and the surplus, if any, to be applied to the payment of the interest on the Bonds of the State, issued to works of Lternal Improvement.

Pending the discussion on said amendment, the House adjourned.

SATURDAY, DECEMBER 30, 1843.

The House met pursuant to adjournment.

Mr. Maury, from the Committee on Enrolments, reported a correctly engrossed, the following bills:

A bill, No. 132, for the benefit of guarnashees, in certain cases; and

A bill, No. 257, to confer certain powers upon the county courts of Shelby, Fayette, and Hardeman counties.

Mr. Maury, from some committee, reported as truly enrolled, the following bills and resolutions, to-wit:

An act to extend the provisions of the 17th section of the

5th of Feb. 1886, entitled "an act setting forth the property real and personal, and the privileges and occupations liable to taxation in this State:

An act for the benefit of William Laws and Benjamin P. Wheeler; and

An act to charter a company to construct a turnpike road from Gallatin, in Sumner county, by way of Hartsville to Carthage, in the county of Smith, to be called the Gallatin and Carthage turnpike company.

A resolution, No. 149, directory to the keeper of the Penitentiary, in relation to the safe keeping and preservation of the public arms; and

A resolution, No. 153, for the relief of Anderson Cheatham.

The Speaker of this House thereupon signed said enrolled bills and resolutions.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

Mr. Hodsdon, from the Committee on Education and Common Schools, to which had been referred "A bill from the Senate, No. 88, to establish Cumberland University at Lebanon, Wilson county, reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment, and with said amendment, to recommend the passage of the bill. The amendment reported by the committee proposes to strike out the sixth section of the bill.

And the question being taken on said amendment, it was determined in the negative, yeas 27, nays 38.

The yeas and nays, No. 252, being called for by Mr. Black, and ordered by the House;

Those who voted in the affirmative are,

Messrs. Bledsoe, Bobo, Carson, Cleveland, Cross of Sullivan, Deavenport, Duggan, Edwards, Eubank, Farquharson, Garner, Hodsdon, Hord, Houston, Huddleston, Lenoir, Marr, McGinnis, Milligan, Morris, Nave, Richardson, Scott, Turner, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Avery, Black, Boddie, Bond, Bone, Brooks, Cheatham, Coggin, Cross of Madison, Crouch, Dearing, Fisher, Glenn, Goodall, Gordon, Hamilton, Hughes, Joerdan, Kinney, Lauderdale, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moonman, Morrow, Rawlings, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

So the House refused to strike out said section.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow, from the committee to which had been referred "A bill, No. 282, for the relief of Hugh McAden, and G. G. Holloway," and the petition, No. 148, from said McAden and Holloway, praying for Legislative relief, reported that the committee had had the same under consideration, and had instructed him to report that the prayer

if the petitioners is unreasonable and ought not to be granted, and recommended the rejection of said bill.

The report of the committee was nonconcurrent in, and said bill was read a second time and passed.

Mr. Richardson from the Committee on Internal Improvements, to which had been referred the petition, No. 173, from the Directors of the Pelham and Jasper turnpike road, praying an alteration in the charter incorporating said road, reported that the committee had had the same under consideration, and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted, and had instructed him to report, "A bill, No. 312, to amend the charter of the Pelham and Jasper turnpike company," and recommend the passage thereof:

Said bill was then read a first time and passed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred a petition, No. 164, from sundry citizens of Polk county, praying the Legislature to require the county commissioners of said county to make settlement, and to pay over the balance in their hands to their successors, appointed by the county court of said county, reported the following bill in obedience to the prayer of the petitioners, and recommended the passage thereof.

A bill, No. 313, to compel the commissioners of Polk county to pay over moneys in their hands; said bill was read a first time and passed.

Mr. Miller of Hardeman, from same committee, to which had been referred a bill, No. 294, to regulate the pay of jurors, &c., reported that the committee had had the same under consideration and had instructed him to report said bill with an amendment, and with said amendment to recommend the passage thereof; said amendment is as follows:

Sec 4. *Be it enacted*, That in no case shall talismen jurors receive any pay, and all laws allowing such pay be and the same are repealed.

Mr. Back moved that the bill and amendment be indefinitely postponed; which motion was agreed to by the House.

Mr. Miller of Hardeman, from the same committee, to which had been referred resolutions No. 162 and 163, directory to the committee on the Judiciary, reported that the committee had had the same under consideration and had instructed him to report adverse to the objects of the resolution, and asked to be discharged from the further consideration thereof; which report was concurred in by the House.

On motion of Mr. Gordon,

The House took up a bill from the Senate, No. 71, to incorporate the members of the Mechanics Union Society, of Columbia in the county of Maury; which bill was read a second time and passed.

Mr. Moore submitted the following resolution, No. 166:

Resolved, That the select committee on turnpike roads inquire what amount the individual stockholders have paid towards the construction of the Lebanon and Sparta turnpike road more than the State and whether it would not be the interest of the State to make up the balance or refuse to do so and thereby hazard losing the total advantage contemplated to be derived by the State in said road, and report by 15:30

otherwise; which was read and the 59th rule being suspended, said resolution was adopted.

Mr. Williams, who had withdrawn for amendment, a bill, No. 116 to change the time of holding the Supreme court at Knoxville, returned the same with the following amendments: first amendment constitutes the second section to the bill, which provides that the clerk of the Supreme court shall open the court on the first Monday in July next, and take recognisance of all persons bound to appear at that term to appear on the first Monday of October, and if any person recognised to appear at the July term shall fail to appear and enter into cognisance as aforesaid, the clerk shall take a forfeiture against such delinquents and their securities returnable at the October term, &c."

Second amendment strike out from the words "as is," in the third line to the word "thereafter" inclusive, in the fourth line of the first section; which amendments were severally adopted.

Said bill as amended was then read a second time and passed.

The House took up a bill No. 9, to prevent illegal voting.

And the question being taken, shall the bill pass, it was determined in the negative, ayes 28, nays 39.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bond, Coggin, Crouch, Deavenport, Edwards, Esbark, Fisher, Glenn, Gordon, Ford, Houston, Hudleston, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Milligan, Morris, Nave, Polk, Smart, Trice, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bedsoe, Bobo, Boddie, Bone, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Dearing, Daggan, Farquharson, Goodall, Garner, Goode, Hamilton, Hodsden, Hughes, Lenor, Marr, Moore, Maury, Morrow, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trimble, Trott, Turner, Tyler, Walker of Williamson, Wheeler, and Williams.

So said bill was rejected.

Mr. Hughes moved a reconsideration of the vote of the House just taken, rejecting said bill.

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 32, nays 37.

The ayes and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bond, Coggin, Cross of Sullivan, Crouch, Edwards, Esbark, Fisher, Garner, Glenn, Gordon, Horn, Hamilton, Hudleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Nave, Polk, Smart, Trice, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bedsoe, Bobo, Boddie, Bone, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Dearing, Daggan, Farquharson, Goodall, Goode, Hamilton, Hodsden, Johnson, Lenor, Marr, Maury, Maures, Moorman, Morrow, Rawlings, Richardson, Roach, Rodgers,

Scott, She rill, Trimble, Trott, Turner, Tyler, Walker of Williamso Wheeler, and Williams.

So the House refused to reconsider said vote.

A message from the Senaté, by Mr. Cocke, their clerk :

MR SPEAKER : The Senate have taken up and rejected on its second reading; a bill from the House, No. 99, to revise, condense, and bring into one view the law, in relation to education and common schools.

The Senate have taken up and rejected on their first reading the following House bills, to wit :

A bill, No 239, to restore Levi Hosea and William Manis, to citizenship ; and

A bill, No. 26, to restore William Upchurch to the rights of citizenship; which several bills are herewith transmitted.

The Senate have taken up and considered, the memorial to the Congress of the United States on the subject of an appropriation by the General Government to the support of the Memphis Hospital, and resolution therewith, directory to his Excellency the Governor; in which memorial and resolution the Senate concur, with an amendment thereto, in which amendment the concurrence of the House is requested, and the said memorial is herewith transmitted.

The Senate have taken up and considered the nonconcurrence of the House to Senate's second amendment to a bill from the House, No. 191, to amend the laws of this State regulating the practice in the chancery courts, and reducing the expenses of the same; and I am directed to inform the House that upon further consideration the Senate adhere to their said amendment; which bill is herewith transmitted.

The Senate have taken up and passed on its third and last reading a bill, No. 60, to regulate the mode of taking depositions in the circuit and chancery courts in this State; which is herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed the following enrolled bills and resolutions from the House, to wit :

An act to extend the provisions of the 17th section of an act passed 5th day of February, 1836, entitled "an act setting forth the property real and personal and the privileges and occupations liable to taxation, in this State.

An act for the benefit of William Laws and Benjamin P. Wheeler.

An act to charter a company to construct a turnpike road from Gallatin, in Sumner county, by way of Hartsville, to Carthage, in the county of Smith, to be called the Gallatin and Carthage turnpike company.

A resolution, No. 147, directory to the keeper of the Penitentiary, in relation to the safe keeping and preservation of the public arms; and

A resolution, No. 153, for the relief of Anderson Cheatham; which enrolled bills and resolutions are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr Glenn moved a suspension of the rule requiring the House to meet this afternoon at 2 o'clock.

And the question being taken on agreeing to said motion it was determined in the negative, ayes 37, nays 30.

The ayes and nays No. 255, being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bobo, Boddie, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hodsdon, Hord, Houston, Hughes, Huddleston, Jordan, Kinney, Lauderdale, Marr, McGinnis, Miller of Harde-m-n Milligan, Moorman, Polk, Rawlings, Rodgers, Scott, Sherrill, Smart, Trott, and Wy e.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bond, Bone, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Duggan, Edwards, Goode, Hamilton, Lenoir, Maury, Miller of Marshall, Moores, Morris, Nave, Richardson, Roach, Trice, Trimble, Turner, Tyler, Wheeler, Walker of Williamson, Wann, and Williams.

So the House refused to suspend the rule, it requiring a vote of two thirds of the members present.

Mr. Gordon moved that the House adjourn until Monday morning.

The chair decided said motion to be out of order, from which decision of the chair he took an appeal to the House.

And the question being taken, "shall the decision of the chair stand as the order of the House?" it was determined in the affirmative, ayes 45, nays 14.

The ayes and nays being called for by Mr. Walker of Williamson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Crouch, Crudup, Dearing, Duggan, Eubank, Fisher, Goodall, Goode, Hamilton, Houston, Hughes, Lenoir, Maury, McGinnis, Moores, Morris, Nave, Rawlings, Richardson, Roach Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Bobo, Cross of Sullivan, Deavenport, Edwards, Farquharson, Glenn, Gordon, Hord, Kinney, Lauderdale, Marr, Miller of Marshall, Milligan, and Rodgers.

So the House decided that the decision of the chair shall stand as the order of the House.

Mr. Bond submitted the following resolution, No. 167:

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the President of the Bank of Tennessee at Nashville be required to report to this House as early as practicable the information in his possession of the following particulars, to wit:

- 1st. The amount of interest upon the Bank bonds paid by the Bank at each particular period, stating in separate columns the respective amounts and periods of payment.

- 2d. The amount of interest upon the internal Improvement bonds paid by the Bank at each particular period, stating in separate columns the separate amounts and periods of payment.

- 3d. The amount of contingent fund in the Bank and Branches respective periods of payment of interest on the bonds.

4th. The amount of surplus profits in the Bank and Branches at the respective period of payment of interest on the bonds.

5th. The amount of contingent fund used by the Bank in paying the interest upon the bonds at each respective period of payment.

6th. Whether the amount of profits stated in the report to this General Assembly at \$69,159 51 will be available to meet the current expenses of the Bank, or whether all or any of it has been used by the Bank or Branches to meet expenses or to make whole and sound their respective amounts of capital, or for any other purpose.

Which was read, and the 59th rule being suspended, said resolution was adopted.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third reading without amendment the following House bills:

A bill, No. 69, more effectually to secure the common school fund.

A bill, No. 109, to amend an act authorizing Ansel Carden to build a toll bridge around Smith's Hill on Watauga river, in Carter county; and

A bill, No. 112, to amend the act to provide for viewing and laying off an alteration of the road leading from Newport, in the county of Cocke, to Sevierville, in the county of Sevier; which bills are herewith transmitted

On motion of Mr. Rodgers,

Ordered that Mr. Tyler be added to the Select Committee on Insurance Companies.

Mr. Polk moved a suspension of the rule requiring the House to continue in session until 5 o'clock; which motion prevailing,

Mr. Polk moved that the House adjourn until Monday morning; which motion was agreed to by the House.

So the House adjourned.

MONDAY, JANUARY 1st, 1841.

The House met pursuant to adjournment.

Mr. Miller of Hardeman presented a petition, No. 185, from sundry citizens, praying the Legislature to pass an act to authorize Alexander Baker, of Madison, to hawk and peddle without license, which was read and referred to the Committee on Ways and Means.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred, a bill, No. 284, to restore Joseph W. Robertson, of Rutherford county, to the rights of citizenship, report that the committee had had the same under consideration and had instructed him to report an amendment to said bill and with said amendment to recommend the passage thereof.

The amendment reported by the committee is as follows:

After the word "Rutherford," insert "and James McNeese, of the county of Giles," strike out "he is," and insert "they are;" said amendment was adopted.

Said bill as amended was then read a second time and passed.

On motion of Mr. Smart,

The House took up a bill, No. 289, to change and render more efficient the management of the Lunatic Asylum.

Said bill was then read a second time, and passed.

Ordered that said bill be recommitted to the Committee on the Lunatic Asylum with an amendment offered by Mr. Avery providing that the 25th Senatorial district in this State be and the same is hereby exempted from the limitation contained in the 6th section of the bill.

On motion of Mr. Tyler,

The House took up a resolution, No. 127, authorizing the Treasurer of this State to receive State bonds from the Treasurer of the Clarksville Turnpike company in lieu of dividends due the State from said company; which was read a third time.

And the question being taken, "shall the resolution be adopted?" it was determined in the affirmative, ayes 64, nays 2.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hoid, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, Marr, Maury, McGinnis, Miller of Hardeman, Milligan, Moores, Moorman, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Turner, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Deavenport and Trott.

So said resolution passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

Mr. Avery submitted the following resolution, No. 168:

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That a committee be raised to investigate a charge against the member from McNairy, Matthew A. Trice, published in the Jonesboro' Whig, over the signature of an attentive observer, that they inquire whether the member from McNairy is guilty of the charges.

2d. Whether charges were made by a member on this floor, and that said committee have power to send for persons and papers, administer oaths, and examine witnesses on oath, and to do all things necessary to investigate the charge and the conduct of the accessor.

Which was read, and the 59th rule being suspended, said resolution was adopted.

And thereupon Messrs. Hodsden and Trice with the approval of the House were required by the Speaker to give a pledge of honor that they would not commit a breach of the peace pending said investigation, which pledges were given by both gentlemen in presence of the House.

The Speaker thereupon announced the appointment of Messrs. Tyler, Maury, Morris, Moorman, and Richardson, to compose said committee.

Mr. Gordon, from the Committee on New Counties and County Lines, to which the petition, No. 97, from the Senate of sundry citizens of Hamilton county, praying that the 14th civil district of said county may be attached to Rhea county was referred; made an unfavorable report on said petition; which report was concurred in by the House, and said petition was laid on the table.

Mr. Gordon, from said committee, to which was referred, a resolution, No. 164, to alter the county line between the counties of Hamilton and Rhea made an unfavorable report on said petition and asked to be discharged from the further consideration thereof; which report was concurred in by the House, and the petition ordered to the table.

Mr. Gordon, from said committee, to which was referred the petition, No. 164, from sundry citizens, praying the change of the dividing line between the counties of Davidson and Williamson, made an unfavorable report on said petition and asked to be discharged from the further consideration thereof; which report was concurred in by the House, and the petition ordered to the table.

Mr. Maury from the Committee on Enrolled Bills, reported that said committee had examined an engrossed resolution of the following title: resolution authorizing the treasurer of the State to receive State bonds from the treasurer of the Clarksville and Russellville turnpike company, in lieu of dividends due the State from said company, and found the same correctly engrossed.

Mr. Maury from same committee, reported that the committee had examined enrolled bills of the following titles:

An act more effectually to secure the common school fund.

An act, to amend an act, authorizing Ansel Carden to build a toll bridge around Smith's hill, on Watauga river, in Carter county; and

An act to amend the act passed 27th January, 1840, chapter 78, entitled "An act to provide for viewing and laying off an alteration of the road leading from Newport, in the county of Cocke, to Sevierville, in the county of Sevier," and found the same truly enrolled.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: I am directed to request the re-transmission to the Senate, of a bill for the relief of Joseph Newman, sheriff of Franklin county, which was transmitted to the House through mistake.

The Senate have taken up and passed on their third reading, with amendments thereto, the following House bills:

A bill, No 281, to amend the charter of the Jefferson turnpike company; and

A bill, No 124, to establish West Tennessee College at Jackson; which bills and amendments, are herewith transmitted, and the concurrence of the House in said amendments is requested.

The Speaker of the Senate has signed the following enrolled bills from the House, to wit:

An act more effectually to secure the common school fund.

An act, to amend an act, authorizing Ansel Carden to build a toll bridge around Smith's hill, on Watauga river, in Carter county; and

An act, to amend the act, passed the 27th January, 1840, chapter 18, entitled "an act to provide for viewing and laying off an alteration of the road leading from Newport, in the county of Cocke, to Sevierville, in the county of Sevier;" which enrolled bills are herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

The House took up the unfinished business, pending when the House adjourned on the 29th ult., being Mr. Farquharson's amendment to the amendment offered by Mr. Maury, to a bill, No. 205, to amend an act, entitled "an act to establish a State-Bank, to raise a fund for Internal Improvements, and to aid in the establishment of a system of education, and for other purposes," and after some discussion thereon, Mr. Marr moved the indefinite postponement of said bill and amendments.

And the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 51, nays 21.

The yeas and nays, No. 257, being called for by Mr. Richardson, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boho, Boddie, Brooks, Cherry, Cleveland, Coggan, Cross of Madison, Cross of Sullivan, Croach, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Hudson, Hughes, Kuncy, Lauderdale, Lenoir, Marr, McGinnis, Miller of Handeman, Miller of Marshall, Milligan, Morris, Morrow, Polk, Roach, Scott, Sherrill, Smart, Trice, Trot, Turner, Turney, Wann, Wheeler, Wilbans, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Bond, Burrus, Carson, Cheatham, Duggan, Goode, Hamilton, Hodsden, Jourdan, Maury, Morris, Moorman, Nave, Rawlings, Richardson, Rodgers, Trimble, Tyler, Walker of Williamson, and Mr. Speaker Barringer.

So said bill and amendments were indefinitely postponed.

The House adjourned.

TUESDAY, JANUARY 2d, 1844.

The House met pursuant to adjournment.

Mr. Gordon from the Committee on New Counties and County Lines to which was referred, memorials, No. 143, of a large number of citizens of the counties of Warren and Coffee, a majority praying for, and a minority against the establishment of a new county, reported that the committee had had the same under consideration, and had instructed him to report in obedience to the prayer of a majority of said petitioners.

A bill, No. 314, to establish the county of Grundy, and to recommend the passage thereof.

Said bill was then read a first time and passed.

Said bill was re-committed to the committee, with instructions to strike the blacks in said bill.

Mr. Cheatham, from the Committee on Banks, to which had been referred a memorial from the Senate, No. 99, of William Lindsey and 64 citizens of Campbell county, praying that said William Lindsey be permitted to pay the interest on twelve hundred dollars in the bank at Rogersville, for five years, and that said bank advance to him two thousand dollars, and take a mortgage on 3000 acres of land, to secure the same, &c; reported that the committee had had the same under consideration, and had instructed him to report unfavorable to the prayer of the petitioners, and asked to be discharged from the further consideration thereof; which report was concurred in, and said petition ordered to the table.

Mr. Cheatham, from same committee, to which had been referred a bill, No. 187, to authorise the Planter's Bank of Tennessee to declare certain dividends; reported said bill with an amendment, constituting the third, fourth, and fifth sections of the bill, and with said amendment to recommend the passage thereof; which amendment was adopted.

Said bill as amended, was then read a third time, and the question being taken, "shall the bill pass," it was determined in the affirmative; yeas 53. nays 12.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Elack, Bledsoe, Bobo, Boddie, Bone, Brooks, Burrus, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Deating, Duggan, Edwards, Fisher, Garner, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdon, Kinney, Lester Miller of Hadenan, Moores, Moorman, Morris, Nave, Rawlings, Richardson, Roach, Rogers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Battinger.

Those who voted in the negative are,

Messrs. Carson, Eubank, Faquharson, Huddleston, Marr, McGinnis, Miller of Marshall, Milligan, Morrow, Turney, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

The title of the bill was then amended as follows: to authorise the Planter's and Union Banks of Tennessee to declare certain dividends, and for other purposes.

Mr. Brooks, who had withdrawn for amendment a bill, No. 274, to authorise Frederic H. Stump, David Young, and Micajah H. Willerson, of Davidson county, to open a turnpike road; returned the same without amendment, and moved that it be re-committed to the Committee on Internal Improvements; which motion was agreed to by the House, and said bill was referred to said committee.

Mr. Rodgers submitted the following resolution, No. 169:

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State be, and he is hereby appointed a member of the Internal Improvement board, in the room, instead of the Secretary of State; which was read, and the 59th rule being suspended, said resolution was adopted.

Mr. Trimble submitted the following resolution, No. 170:

Resolved by the General Assembly of the State of Tennessee, That a person of sufficient learning and ability be appointed by the Judges

of the supreme court, at the present session of said court now in session at Nashville, whose duty it shall be to revise and digest the General Statutes of the State of Tennessee, and to report the same to the next regular session of the General Assembly, provided the person so appointed, shall receive in full compensation therefor the balance due the State from Smith Griddle, now pending in a chancery court at Franklin, no more, and not otherwise.

Which was read a first time and passed.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on its third reading with an amendment thereto, in lieu of the whole bill from the enacting clause,

A bill from the House, No. 73, for the relief of Joseph Newman, sheriff of Franklin county.

Which bill and amendment are herewith transmitted, and the concurrence of the House in said amendment is requested.

The speaker of the Senate has signed an enrolled bill from the Senate, entitled:

An act to establish Cumberland University at Lebanon, Wilson county.

Which enrolled bill is herewith transmitted for the signature of the Speaker of the House of Representatives.

The speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Goode,

The House took up "A bill, No. 64, to amend the law for the collection of revenues of the State," and for other purposes.

The bill reported by the select committee on delinquent officers, in lieu of the whole bill from the enacting clause, being under consideration; which amendment was adopted in lieu of the original bill.

Mr. Goode moved to amend said bill by inserting after the word "respectively" the words "on the second day of the term."

Mr. Goode moved also to amend the 6th section of the bill, by inserting after the word "damages," in the 22nd line the following:

Provided, however, that if such clerk has died or left the State, the scire facias shall be sued upon such of his securities as reside in the county of the late residence of such clerk, who may appear on the return thereof, and show the amount collected by said clerk, and in such case the judgment shall be made final for such amount, with damages as aforesaid.

Which several amendments were adopted.

Mr. Trott moved to strike out the third section of the bill.

Mr. Miller of Hardeman, moved to amend said section by the following amendment: "That when any person shall exercise any privilege, when license is required, without first obtaining such license, or suffer such privilege to be exercised in his house, by any person without license, the buildings in which such privilege shall be exercised, shall be liable for all penalties, damages, fines, all costs, for exercising said privilege without license, and the same shall be a lien on said buildings superior to all claims whatever,

Which amendment was rejected.

The question then recurred on the motion made by Mr. Trott, to strike out the third section of the bill.

Which motion was agreed to by the House.

And said section was thereupon stricken out.

Mr. Farquharson moved to insert the following amendment in lieu of said third section just stricken out:

Sec. 2nd. *Be it enacted*, That in all cases when a license is by law required for any show or exhibition, when such privilege shall be exercised by a nonresident, with the knowledge or consent of the owner or occupier of any buildings or property. The buildings or property in which such privilege shall be exercised, shall be liable for the license or the penalty, as the case may be, and the same shall be a lien thereon superior to all claims whatever.

Which amendment was rejected.

Mr. Morris offered the following amendment, constituting the third section of the bill:

Sec. 3 *Be it enacted*, That it shall be the duty of the different county court clerk, to make out and submit to the grand juries on the 2nd day of each term of the circuit court, the name of each person in his county, who has obtained a license to exercise any privilege, the amount of such license, and if any of said jurors know of any person or persons exercising any of the privileges tolerated by the laws of this State, without a license from said clerk, it shall be the duty of said juror or jurors to give information of the same; which amendment was adopted.

Mr. Scott moved to amend said bill, by striking out of the 6th section, and commencing in the 7th line "at Jackson," to the word "State," in the 12th line inclusive, and inserting in lieu thereof the following: "in their respective counties for judgment."

Mr. Trott then moved to strike out of said section, the word "Nashville" wherever it occurs, and insert in lieu thereof, "Murfreesboro."

Mr. Cross of Madison, moved the previous question, which being seconded by a majority of all the members present, the question was then taken, shall the main question be put, and was determined in the affirmative.

The main question was then taken, shall the bill pass, and was determined in the affirmative; yeas 37, nays 23.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Brooks, Burrus, Cheatham, Cleveland, Cross of Madison, Crutcher, Dearing, Duggan, Farquharson, Fisher, Gardner, Goode, Gordon, Hanolton, Houston, Huddleston, Humphreys, Jourson, Lenoir, Maury, Miller of Henderson, Wootman, Morris, Morrow, Nave, Rawlins, Richardson, Reach, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Turvey, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barbour.

Those who voted in the negative are,

Messrs. Carson, Cherry, Goggin, Cross of Sullivan, Crutcher, Deavenport, Edwards, Eubank, Goddall, Glean, Hord, Hughes, Kinney,

Marr, McGinnis, Miller of Marshall, Milligan, Moores, Polk, Scott, Trott, Wann, and Wyley.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Walker of Williamson,

The House took up a bill, No. 266, to amend the charter of the Harpeth Turnpike Company; which bill was read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Scott,

The House took up a bill from the Senate, No. 163, to change the time of holding certain Circuit and Chancery courts.

Mr. Bond moved to amend the 4th section, by striking out the first Monday "in July," the time of holding the Chancery court at Brownsville, and inserting in lieu thereof "the third Mondays in June and December," and also by striking out the time of holding the Chancery court at Sommerville, from the "second Monday in July," and inserting in lieu thereof, "the fourth Monday of June;" which amendment was adopted.

Mr. Garner offered the following amendment:

Sec. 5th. *Be it enacted*, That the Circuit court for the county of Franklin, after the next term of said court shall be held on the first Mondays of January, May, and September, in each and every year.

Mr. Morrow offered the following amendment:

Sec. 6 *Be it further enacted*, That the July term of the Circuit court in the county of Hamilton, shall be hereafter holden on the fourth Monday in July, in each and every year; which amendments were severally adopted.

Said bill as amended, was then read a second time and passed.

On motion of Mr. Hord,

The House took up a bill from the Senate, No. 117, to establish the county of Hancock, in honor of John Hancock, one of the patriots of the Revolution; which was read a second time and passed.

Mr. Maury, from the Committee on Enrolled bills, reported that the Committee had examined an enrolled resolution entitled, a resolution making the Treasurer of the State a member of the board of Internal Improvements instead of the Secretary of State; and found the same as truly enrolled.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

The House took up a bill, No. 100, to amend the charter of the Bank Tennessee.

Mr. Miller of Marshall, offered the following amendment as a proviso to the bill:

"Provided, That nothing in this act contained shall be so construed as to repeal any part of the 17th section, chap. 107, passed January 19, 1835, to establish a State Bank, &c.; which amendment was adopted.

Mr. Crutcher moved to amend the bill by inserting after the words "person or persons," the following: "having a due regard to the sover-

cy of the makers and endorsers of said notes," which amendment was adopted.

Said bill as amended was read a third time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative, yeas 36, nays 33.

Those who voted in the affirmative are,

Messrs. Brooks, Carson, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Edwards, Eubank, Fisher, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Marr, McGinnis, Miller of Marshall, Milligan, Morris, Nave, Polk, Scott, Sherrill, Smart, Trice, Trott, Turner, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Burrus, Cheatham, Cherry, Cleaveland, Crudup, Farquharson, Garner, Goode, Hamilton, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morrow, Rawlings, Richardson, Roach, Rodgers, Trimble, Turney, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

Mr. Eubank asked and obtained leave to withdraw for amendment, a bill from the Senate, No. 168, to change the time of holding certain circuit and chancery courts.

Mr. Maury, from the Committee on Enrolled bills, reported as correctly engrossed the following bill:

A bill, No. 236, to amend the charter of the Harpeth turnpike company.

Ordered that the clerk transmit the same to the Senate.

The House took up a bill, No. 103, to give justices of the peace jurisdiction of the trial of misdemeanors.

Mr. Boddie moved to amend the bill by striking out of the 6th section the words "justice of the peace trying the cases," and insert in lieu thereof "constable or any other officer," and also strike out all of said section after the words "shall be taken and," and insert "by him or then, paid to the clerk of the circuit court;" which amendment was adopted.

Mr. Moores moved to amend the bill by adding the following proviso to the bill: "Provided that the defendant shall have trial by jury before such justice at the wish of said defendant."

Mr. Goodall then moved the previous question, which being seconded by a majority of the members present.

The question was then taken, "shall the main question be now put?" and being determined in the affirmative.

The main question was then taken, "shall the bill pass?" and was determined in the affirmative, yeas 44, nays 26.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Brooks, Carson, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Fisher, Garner, Goodall, Gordon, Hord,

Houston, Huddleston, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Nave, Polk, Rawlings, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Wan, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Bone, Burrus, Cheatham, Cross of Madison, Eubank, Farquharson, Glenn, Goode, Hamilton, Hodsdon, Hughes, Marr, Maury, Moorman, Morris, Morrow, Richardson, Roach, Trimble, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in this House; and was ordered to be engrossed and transmitted to the Senate.

The House took up "A bill, No. 107, fixing the compensation of the Treasurer of this State."

Mr. Crudup, moved to amend said bill, by striking out "January," and insert in lieu thereof "March."

Which amendment was adopted.

Said bill, as amended, was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative. yeas 43, nays, 30.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bond, Bone, Brooks, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hord, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Morris, Nave, Polk, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trott, Turner, Turney Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bobo, Boddie, Burrus, Carson, Cheatham, Cleveland, Duggan, Edwards, Farquharson, Hamilton, Hodsdon, Houston, Hughes, Humphreys Jourdan, Lenoir, Maury, Miller of Hardeman, Morris, Moorman, Morrow, Rawlings, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

A message from the Senate, by Mr. Ceeke, their clerk:

MR. SPEAKER: The Senate have taken up and passed on their third reading without amendment the following bills from the House:

A bill, No. 123, to establish the county of Cumberland.

A bill, No. 153, authorising the LaGrange and Memphis Railroad company to relinquish their right of way through the town of Memphis and

A bill, No. 102, to alter the dividing line between Cannon and DeKalb counties; which bills are herewith transmitted.

The Senate have taken up and passed on their third reading, with sundry amendments, the following House bills:

A bill, No. 144, to authorize Samuel M. Atkinson, of Davidson county, to open a turnpike road; and

A bill, No. 117, to authorize John W. Parker, and others, to open a turnpike road.

Which bills and amendments are herewith transmitted, and the concurrence of the House is respectfully requested.

The Senate have taken up and passed on their third reading, the following bills, to wit:

A bill, No. 170, for the relief of Henry Wilton.

A bill, No. 172, to continue Gerard Troost, Geologist of the State.

A bill, No. 175, to prescribe how city constables shall be elected in the city of Knoxville; and

A bill, No. 191, to make a more just distribution of the estates of intestates, and for other purposes; which bills are herewith transmitted, and the concurrence of the House in the passage thereof is therein requested.

The Senate have received and read a communication from the inspectors of the public Jail and Penitentiary of the State of Tennessee to the General Assembly of the State of Tennessee; which is herewith transmitted in obedience to an order from the Senate.

The Speaker of the Senate has signed an enrolled resolution from the House entitled a resolution making the Treasurer of the State a member of the board of Internal Improvements instead of the Secretary of State, and the same is herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. moores moved a reconsideration of the vote of the House on the passage of a bill, No. 103, to give justices of the peace jurisdiction of misdemeanors.

On motion of Mr. Black,

The House took up said motion.

Mr. Trimble moved a reconsideration of the vote of the House taken on the 30th December last indefinitely postponing a bill, No. 294, to regulate the pay of jurors, &c.

Pending the discussion on Mr. Moore's motion to reconsider the vote of the House on the passage of a bill, No. 103, to give justices of the peace jurisdiction of the trial of misdemeanors,

The House adjourned.

WEDNESDAY, JANUARY 3d, 1844.

The House met pursuant to adjournment.

Mr. Richardson moved a reconsideration of the vote of the House taken on yesterday on the passage of a bill, No. 167, fixing the compensation of the Treasurer of the State; which motion to reconsider was agreed to by the House.

Mr. Richardson moved to amend said bill by inserting after the word "dollars," the words "per annum."

Mr. moores moved to amend said bill by striking out "five hundred," and inserting "one thousand," as the annual compensation of the Treasurer of the State.

Mr. Mabry moved that said bill and amendments be laid on the table; which motion was disagreed to by the House.

The question then recurred on the amendment offered by Mr. Richardson; which motion was adopted.

Mr. Lenoir then moved the postponement of said bill and amendments.

Mr. Black moved the previous question, which being seconded by a majority of all the members present.

And the question being taken, "shall the main question be now put?" and being determined in the affirmative,

The main question was then taken, "shall the bill pass?" and was determined in the affirmative, yeas 43, nays 28.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Cherry, Cleveland, Coggan, Cross of Anderson, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Fisher, Garner, Goudy, Hodge, Gordon, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Hadenman, Miller of Marshall, Milligen, Nave, Polk, Richardson, Rogers, Scott, Smart, Trice, Trout, Turner, Turney, Wain, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Carson, Cheatham, Duggan, Fairquharson, Hamilton, Hoodsden, Hord, Houston, Hughes, Humphreys, Jordan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Said bill as amended was again passed on its third reading, and was ordered to be engrossed and transmitted to the Senate.

Mr. Hord presented a petition, No. 186, of sundry citizens of Hawkins county, protesting against the establishment of the county of Hancock; which was referred to the Committee on New Counties and County Lines.

Mr. Hoodsden, from the Committee on Education and Common Schools, to which had been referred, a bill from the Senate, No. 167, to carry into effect the system of literary exchanges, reported said bill without amendment and recommended the passage thereof.

Said bill was then read a second time and passed.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred, a bill No. 314, to establish the county of Grundy, reported said bill with the blanks filled up in conformity with instructions from the House, and recommend the passage thereof.

Said bill as amended was then read a second time and passed.

Mr. Maury, from the Committee on Enrolled Bills, reported that the committee had examined the following engrossed bills:

A bill, No. 107, fixing the compensation of the Treasurer of this State; and

A bill, No. 100, to amend the charter of the Bank of Tennessee, and reported the same correctly engrossed.

Ordered that the clerk transmit the same to the Senate.

Mr. Maury, from same committee, reported as truly enrolled the following bills, to wit:

An act authorizing the La Grange and Memphis railroad company to relinquish their right of way through the town of Memphis; and

An act to alter the dividing line between Cannon and DeKalb counties.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Boddie, from the Committee on Finance, to which had been referred the petition, No. 35, of Allen Pressons, sheriff of Benton county, praying for legislative relief, reported that the committee had had the same under consideration and had instructed him to report that the committee ask to be discharged from the further consideration thereof and that said petition be laid on the table; which report was concurred in by the House and said petition was ordered to the table.

Mr. Boddie, from same committee, to which had been referred, a bill, No. 167, to raise revenue and to equalize the burdens of taxation by introducing more uniformity in the valuation of property throughout the State of Tennessee, reported that the committee ask to be discharged from the further consideration thereof, and that said bill be laid on the table; which report was concurred in by the House and said bill was ordered to the table.

Mr. Boddie, from said committee, to which had been referred, a bill, No. 141, to appoint one revenue commissioner for each county, and a report, No. 10, of the Comptroller of the Treasury in relation to the collection of moneys in the hands of delinquent officers, reported that the committee ask to be discharged from the further consideration thereof and that they be laid on the table; which report was concurred in by the House, and said bill and report was laid on the table.

On motion of Mr. Richardson,

The House took up a bill from the Senate, No. 98, to change the time of holding the chancery and circuit courts therein named; which was read a second time and passed.

Mr. Burrus asked and obtained leave to withdraw said bill for amendment.

Mr. Miller of Hardeman presented the following report, No. 16, of the Attorney General, which was read at the clerk's table as follows:

To the General Assembly:

The reporter for the State represents to the General Assembly that he has received the resolution of the General Assembly requiring him to report whether the copies of the 10th volume of Yerger's reports have ever been deposited in the office of the Secretary of State as required by law, if not the reason why.

The undersigned has no knowledge that they have or have not been deposited in the office. He is informed that they never have been, and and if this be so, he has no knowledge of the reason why it has not been done. It might be inferred from the terms of the resolution that an opinion may have been possibly entertained by some that the reporter has the custody or the right of the custody of the reports or a portion of them of former reporters. If such an opinion has been entertained by any one it is conceived to be founded in error. The undersigned has no right to custody of any reports except his own unless placed in his hands by former reporters for distribution. Since the passage of a resolution directory to the undersigned he has received from the agent of Mr. Yerger 25 copies of the 10th volume which have been deposited in the office of the Secretary of State as required by law.

All of which is respectfully submitted.

WEST H HUMPHREYS,

Attorney General and Reporter.

Ordered that said report be transmitted to the Senate.

A message from the Senate, by Mr. Corke, their clerk:

MR. SPEAKER: I am directed respectfully to request the retransmission to the Senate of a bill, No. 123, to establish the county of Cumberland.

The Senate have received and read the petition, No. 113, from sundry citizens of Carter county, praying the passage of a law regulating the time of holding battalion musters; which petition is herewith transmitted.

The Senate have taken up and considered a resolution from the House, No. 136, directory to the President and Directors of the branch of the Bank of Tennessee at Athens; in which resolution the Senate concurred and the same is herewith transmitted.

The Speaker of the Senate has signed the following enrolled bills from the House:

An act authorizing the La Grange and Memphis railroad company to relinquish their right of way through the town of Memphis; and

An act to alter the dividing line between Cannon and DeKalb counties; which enrolled bills are herewith transmitted.

Ordered that the clerk deposit the same in the office of Secretary of State.

On motion of Mr. Black,

The House took up the unfinished business, being a motion made by Mr. Moores, to reconsider the vote of the House, on the final passage of "A bill, No. 103, to give justices of the peace jurisdiction of the trial of misdemeanors," which was pending when the House adjourned on last evening.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 61, nays 10.

The ayes and nays, No. 264, being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Blodoe, Bobo, Boddie, Bond, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turper, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cone, Brooks, Burrus, Carson, Goodall, Haddleston, Turner, Wann, Wheeler, and Williams.

So said vote was reconsidered.

On motion of Mr. Black,

Ordered that said bill be referred to a select committee, to consist of five members.

The Speaker thereupon announced to the House the appointment of Messrs. Carson, Black, Miller of Hardeman, Polk, and Burrus, to compose said committee.

The House took up Senate's amendment to "A bill from the House, No. 124, to establish West Tennessee College, at Jackson."

Which Senate's amendment is, strike out of the first section the words "perpetual succession" and insert in lieu thereof "five hundred years."

In which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up a memorial from the Senate, No. 110, from 100 citizens of Davidson county, remonstrating against the establishment of Cumberland county; which was laid on the table.

The House took up Senate's amendment to "A bill from the House, No. 281, to amend the charter of the Jefferson turnpike company."

Which Senate's amendment is as follows: "Strike out so much of the bill as proposes to intersect the Lebanon and Sparta turnpike road and also the words "or road" wherever it appears.

Mr. Coggin moved a nonconcurrence in said Senate's amendment which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to "A bill, No. for the relief of Joseph Newman, sheriff of Franklin county," which Senate's amendment is an amendment in lieu of the whole bill from the enactment clause, which makes it a general law on all such cases.

In which amendment of the Senate the House concur with the following amendment: Strike out the caption of said bill, and insert in lieu thereof the following caption: "A bill to authorise the Comptroller to make allowances to sheriffs, who by the directions of a court, summons more than two persons to guard prisoners."

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to "A bill, No. 102, to authorise Samuel W. Atkinson, of Davidson county, to open a turnpike road."

First amendment is as follows:

Sec. 9. *Be it enacted*, That the General Assembly may revoke all privileges herein granted to said Atkinson, after having paid him a reasonable compensation for all improvements, which he has made on said road.

In which amendment the House concur.

Second amendment of the Senate constitutes the 9th, 10th, 11th, 12th, and 13th sections of the bill, granting a charter for a turnpike road in Maury county, to David D. McFalls.

Mr. Gordon moved to amend said Senate's amendment, by striking out the 13th section of said bill.

Which motion was agreed to by the House.

Mr. Gordon then moved to amend the 11th section of said bill, inserting the words "from market," in the 8th line, the following: "and on horse back."

Which amendment was adopted.

Said Senate's amendment, as amended, was concurred in by the House.

Mr. Gordon moved to amend the caption of said bill by inserting after the words "Davidson county," "and David D. McFalls, of Maury county."

Which amendment was adopted.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to "A bill from the House,

117, to authorise Andrew K. Parker, and others, to open a turnpike road," and for other purposes.

First amendment of the Senate, insert after the word "terminating" in the 7th line in the first section, the words "at the foot of the Cumberland Mountain, in Marion county, at such point as will best suit the interest of the proprietors, provided it does not conflict with the private property of any individual or individuals, without their consent."

Second amendment of the Senate is as follows:

Sec. 3d *Be it further enacted*, That J. M. Anderson, and the heirs or representatives of George W. Williams, have the further time of two years, or such time as the commissioners may think expedient for the completion of a turnpike road, granted to Anderson and Williams, across Walden's ridge, and the termination of said road shall be at or near Anderson's own house, or intersect the valley road, at such point as they may think most expedient.

In which amendments the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to "A bill, No. 123, to establish the county of Cumberland; which amendment is as follows, strike out "next" in the second line of the 18th section, and insert in lieu thereof "1844"

In which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following bills from the Senate:

A bill, No. 60, to regulate the mode of taking depositions in the circuit and chancery courts in this State

A bill, No. 170, for the relief of Henry Wilton.

A bill No. 172, to continue Gerard Troost, Geologist of this State.

A bill, No. 174, to prescribe how city constables shall be elected in the city of Knoxville; and

A bill, No. 191, to make a more just distribution of the estates of estates, and for other purposes.

Which bills were severally read a first time and passed.

Mr. Ferquharson introduced "A bill, No. 315, to amend the laws relation to common schools; which was read a first time and passed.

Ordered that said bill be referred to the Committee on Education and Common Schools.

Mr. Humphreys introduced "A bill, No. 316, to revive the 4th chap. of the public acts of 1839.

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

Mr. Scott moved that the House take up "A bill from the Senate, No. 6, to repeal the act of 1842, chap. 3," entitled "an act to abolish imprisonment for debt," and for other other purposes.

Which motion was disagreed to by the House.

On motion of Mr. Bond,

Ordered that the clerk transmit a message to the Senate requesting the transmission to this House of all the reports of the commissioners appointed to examine the condition of the Bank of Tennessee and Branches, which are now before the Senate, and have not heretofore been in possession of the House.

The House took up a bill from the Senate, No. 117, to establish the county of Hancock, in honor of John Hancock, one of the patriots of the revolution.

Ordered that said bill be referred to the Committee on New Counties and County Lines.

Mr. Farquharson submitted the following preamble and resolution, No. 171:

Whereas, by an act of the Congress of the United States entitled "an act to authorise the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated for the use of schools in this State," approved February 15th 1843, the States aforesaid are authorised to provide by law for the sale of all or any part of said lands, and to invest the money arising from the sales thereof in some productive fund, and authorising the Legislatures of the States aforesaid, to make such other and needful laws and regulations in relation thereto as shall be most conducive to the objects designed,

Therefore resolved by the General Assembly of the State of Tennessee, That a joint select committee be appointed to consist of three on the part of the Senate, and four on the part of the House of Representatives, to whom all matters in reference to said school land shall be referred with instructions to report by bill or otherwise.

Which was read, and the 59th rule of the House being suspended, said resolution was adopted.

The Speaker thereupon appointed Messrs. Farquharson, Moores, Black, and Goble, to be of said committee on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a resolution No. 170, providing for a revision and digest of the general statutes of the State of Tennessee, which was read a second time and passed.

Ordered that said resolution be referred to the Committee on the Judiciary

The House took up a bill, No. 110, to correct mistakes in entering lands in the Ocoee district, and for other purposes.

Mr. Miller of Hardeman, offered the following amendment to the bill:

"Provided always, that the provisions of this law shall only extend to illiterate persons who could not write their entry, and provided also, that all land unredeemed, or in which the entry or grants may be made void by this act shall again be liable for entry at the price it was first entered for twelve months, and after that time the prices shall be grad .

rated upon the same principles as the lands in the Ocoee district as heretofore.

Mr. Lauderdale moved to amend said amendment by striking out all of the first part of said amendment to the words, "provided also;" which amendment was adopted; said amendment as amended was then adopted.

And the question being taken, "shall the bill pass?" it was determined in the affirmative, yeas 44, nays 28.

Those who voted in the affirmative are,

Messrs. Alexander, Black, Brooks, Carson, Cleatham, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Edwards, Fisher, Glenn, Gordon, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moorman, Morrow, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Troit, Walker of Hickman, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bone, Burrus, Cleveland, Cross of Madison, Crudup, Eubank, Farquharson, Goodall, Goode, Hamilton, Jourdan, Marr, Maury, Miller of Hardeman, Moores, Morris, Nave, Richardson, Trice, Turner, Turney, Tyler, Wheeler, and Wyley.

Said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 111, to amend the laws in this State in capital cases; which bill was read a third time,

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 27, nays 44.

Those who voted in the affirmative are,

Messrs. Bledsoe, Brooks, Carson, Cheatham, Cross of Sullivan, Deavenport, Dearing, Edwards, Goodall, Hodsdon, Huddleston, Kinney, Lauderdale, Moores, Moorman, Morris, Morrow, Nave, Polk, Roach, Rodgers, Sherrill, Trice, Turner, Walker of Williamson, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bobo, Boddie, Bone, Burrus, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Duggan, Eubank, Farquharson, Fisher, Glenn, Goode, Gordon, Hamilton, Hord, Houston, Hughes, Jourdan, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Rawlings, Richardson, Scott, Smart, Trimble, Troit, Turney, Tyler, Wheeler, Williams, and Wyley.

Said bill was rejected.

The House took up a bill, No. 113, for the use of the Memphis Hospital,

On motion said bill was ordered to the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed without amendment, the following bills from the House:

A bill, No. 111, to amend and explain an act entitled "an act to carry into effect an act of Congress passed and approved the 18th day of

February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated land South and West of the Congressional reservation line in this State; and

A bill, No. 277, to establish permanently the boundary line between Smith and Macon counties; which bills are herewith transmitted.

The Senate have read a third time and rejected a bill from the House, No. 202, authorising and allowing appeals from the decisions of county courts, in certain cases; which is herewith transmitted.

The Senate have read a third time and passed with sundry amendments thereto, the following bills from the House:

A bill, No. 51, to prevent fraud in the negotiation of notes.

A bill, No. 198, to establish Jackson Seminary, in the county of Jackson; and

A bill, No. 236, to authorise John F. Hannah and company to open a turnpike road; which bills are herewith transmitted and the concurrence of the House in said amendments, is requested.

The Senate has taken up and considered a resolution from the House, No. 171, proposing the appointment of a joint select committee on school lands; in which resolution the Senate concur and the same is herewith transmitted.

The House took up a bill, No. 118, prescribing the method of publishing orders of courts.

On motion said bill was amended so as to exclude from the provisions of said bill the counties of Hickman and Perry.

Mr. Goodall moved the indefinite postponement of said bill.

Mr. Rodgers moved that said bill be laid on the table; which motion was agreed to by the House.

The Speaker presented a communication and report from the President of the Bank of Tennessee in obedience to a resolution adopted by this House on December; which was read, and

On motion of Mr. Maury,

Said communication was laid on the table; and one hundred and fifty copies of the same ordered to be printed.

The House took up a resolution, No. 118, directory to the Comptroller of the Treasury; which was read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The House took up a petition from the Senate, No. 109, from 300 citizens of Davidson county, praying the passage of a law chartering the Mill Creek turnpike road.

On motion, said petition was ordered to the table.

On motion of Mr. Trott,

The House took up a bill, No. 156, to increase the jurisdiction of justices of the peace; which was read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative, ayes 48, nays 21.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Carson, Cheatham, Cross of Sullivan, Crouch, Cradup, Deavenport, Dearing, Duggan, Edwards, Fisher, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir

Marr, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Roach, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Burrus, Cleaveland, Coggin, Cross of Madison, Farguharson, Goode, Hamilton, Hodsden, McGinnis, Maury, Morrow, Rawlings, Richardson, Rodgers, Trimble, Tyler, Walker of Williamson, and Wyley,

So said bill passed on its third and last reading in this House.

On motion of Mr. Speaker Barringer,

The vote just taken passing said bill was re-considered,

Mr. Kinney in the chair.

Mr. Speaker Barringer moved to amend said bill, by striking out the second section, and inserting in lieu thereof, the following amendment.

Sec. 2d. That an endorser, or stayor, shall have judgment by motion against the maker in all cases when said endorser or stayor has paid the money or judgment, or execution, and when the principal is a party to said judgment or execution; which amendment was adopted.

Said bill as amended, was then again read a third time, and the question being taken, "shall the bill pass," it was determined in the affirmative; yeas 53 nays 15.

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Bobo, Boddie, Bore, Brooks, Carson, Cheatham, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farguharson, Fisher, Goodall, Gordon, Hamilton, Herl, Houston, Huddleston, Hughes, Humphreys, Jourdon, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Morrow, Morris, Nave, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are

Messrs. Alexander, Bond, Burrus, Cleaveland, Coggin, Cross of Madison, Glenn, Goode, Hodsden, Maury, Nave, Richardson, Trott, Tyler, and Wyley

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 120, to authorise the county courts to make appropriations to pay for the services of officers to the county court under the old Constitution; which bill was, on motion, ordered to the table.

The House took up a bill, No. 115, to relieve the people of this State.

Mr. Hord moved the following amendment to the bill:

Provided, The provisions of this act shall not be so construed as to include contracts heretofore made; which amendment was rejected.

Said bill was then read a third time, and the question being taken, "shall the bill pass," it was determined in the negative; yeas 14, nays 55.

Those who voted in the affirmative are,

Messrs. Bobo, Brooks, Burrus, Cleaveland, Deavenport, Deating,

Humphreys, Jourdon, Nave, Rodgers, Sherrill, Trott, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Carson, Cheatham, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crutup, Duggan, Edwards, Eubank, Farquharson, Fisher, Glenn, Goodell, Goole, Gordon, Hamilton, Hodsden, Hord, Houston, Hudson, Weston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Morris, Morrow, Polk, Raybards, Richardson, Roach, Scott, Smart, Trice, Trimble, Turney, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley,

So said bill was rejected.

Mr. Polk moved that he be excused from serving on the Select Committee on the bill giving Justices of the Peace jurisdiction of misdemeanors, and that Mr. Gordon be added to said committee; which motion was agreed to by the House.

The House took up a communication from the inspectors of the Penitentiary of the State of Tennessee, to the General Assembly; which was transmitted to this House by the Senate.

Said communication was read at the clerk's table, as follows:

To the General Assembly of the State of Tennessee:

The undersigned Inspectors of the Penitentiary, ask leave respectfully, to offer a few brief remarks for the consideration of your honorable body.

In a communication made by the undersigned, some time since, we suggested that as no efficient code of discipline was authorized by the refractory parties of the convicts could not be controlled, and if timely action was not had on the subject by the General Assembly, scenes of a character might occur, to which they thought it most prudent to make no reference. They feel called upon, from a sense of duty, to reiterate that sentiment. The convicts are becoming more and more turbulent every day, and really many of them cannot be induced to more than half a day's work. These evils can only be cured as the undersigned believe, by authority to inflict corporeal punishment, under the direction of the Inspectors. We should bear in recollection, that if our best citizens, actuated by high, honorable, and patriotic motives, volunteer their services, and are ready upon all suitable occasions, to risk their lives, and shed their blood in defence of our dear interests: yet if they violate the rules and articles of war, they may be punished even with death. If then the security and welfare of our country demand even the lives of those who are engaged in a laudable and patriotic duty with what propriety can we withhold punishment from those who are in the daily habit of violating the rules enacted for our government, and who have been guilty of murder, robbing, larceny, and a host of other kindred crimes. Although the undersigned are in favor of corporeal punishment if milder means will not command obedience, yet they would deprecate a law conferring such power, if not executed from a sense of duty alone, and in the most humane manner; but they believe that the mere knowledge of the passage

of such a law, on the part of the convicts, would immediately produce reformation to a very great extent.

The undersigned respectfully suggest that convicts sentenced to one year imprisonment, are a heavy charge on the institution. If they are not mechanics by profession, their time expires before their labor can be made profitable or even meet their expenses. It appears, therefore, that it would be sound policy to extend the period of imprisonment for petit larceny to at least three years, as the individual who steals five dollars would not hesitate to purloin five hundred if a favorable opportunity offered, and there is certainly little or no difference in the moral turpitude. The propriety of the suggestions heretofore made in relation to the persons doing an almost exclusively cash business, is again respectfully submitted for your consideration.

As this is probably the last time the undersigned will ever address the General Assembly, as inspectors of the prison, it affords them pleasure to say that all the officers have faithfully and honestly discharged their duty, and they deem it not improper to express the opinion, that the compensation they receive ought not to be lessened. The duties are constant, arduous, and not free from danger, and in relation to the officers, it may be said, "they are worthy of their hire."

The undersigned respectfully remark that two of them have served the State as commissioners and inspectors nine years, and the other four years as inspector. They have endeavored upon all occasions to discharge their duty with an eye to the best interests of the prison. That their successors, who ever they may be, may advance the welfare of the institution better than they have done, it is not their purpose to dispute: but they cannot admit that they will be actuated with more zeal and fidelity.

In conclusion the undersigned tender to the members of the General Assembly, their kind and affectionate wishes for their health, prosperity, and happiness, and subscribe themselves most respectfully their fellow citizens,

R. C. FOSTER, Sr.,
JOHN HARDING,
WM. CARROLL.

Nashville, January 2d, 1844.

Ordered that said communication be referred to the Committee on the Penitentiary; and

Then the House adjourned.

THURSDAY, JANUARY 4th, 1844.

The House met pursuant to adjournment.

Mr. Bledsoe presented a petition, No. 187, being a memorial of the Western District Bar, protesting against the establishment of a chancery court at Lexington, and removing the chancery suits of Madison county, from the town of Huntingdon, which was read and laid on the table.

Mr. Polk, from the Committee on the Penitentiary, to which he has been referred: "A bill, No. 300, to establish a Penitentiary in East Tennessee," reported another bill of the same substance, and asked that this bill be laid upon the table.

Said bill was then read and laid on the table.

Mr. Polk, from the same committee, to which had been referred "A bill, No. 305, to provide for building a public jail and Penitentiary in East Tennessee," reported said bill without amendment, and recommend the passage thereof.

Said bill was then read; and Mr. Morrow moved to strike out "Kingston," and insert "Chattanooga."

Mr. Crudup moved that said bill and amendments be indefinitely postponed.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 37, nays 32.

The ayes and nays being called for by Mr. Lenoir, and ordered by the House,

Those who voted in the affirmative are,

Messrs Avery, Bledsoe, Boddie, Bond, Bone, Burrus, Cheatham, Coggin, Cross of Madison, Crudup, Dearing, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Huddleston, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Roach, Smart, Trice, Trott, Turney, Tyler, Walker of Hickman, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Black, Bobo, Brooks, Carson, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Hodseen, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Rodgers, Sherrill, Trimble, Turner, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said bill and amendments were indefinitely postponed.

Mr. Miller of Hardeman, from the Committee on the Judiciary, to which had been referred "Bill, no 216, to revive the 40th chap. of the public acts of 1829," reported said bill without amendment, and recommend the passage thereof.

Said bill was then read a second time and passed.

Mr. Miller, from the same committee, to whom was referred Senate's bill, No. 118, to charter the Memphis Insurance company, reported said bill with sundry amendments, and recommend the passage thereof.

Which amendments were adopted.

Said bill, as amended, was then read a second time and passed.

Mr. Miller of Hardeman, from the same committee, to which had been referred "Resolution, No 171, providing for a revision and digest of the General Statutes of the State of Tennessee," reported said resolution, and recommended its adoption.

Said resolution was then read a third time.

And the question being taken "shall the said resolution be adopted?" which was determined in the affirmative, yeas 49, nays 22.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bobo, Boddie, Bone, Bond, Brooks, Burrus, Cheatham, Coggin, Cross of Madison, Crouch, Crudup, Duggan, Farquharson, Fisher, Glenn, Goode, Hodseen, Hord, Houston, Humphreys, Jourdan, Kinney, Le Marr, Maury, Miller of Hardeman,

Miller of Marshall, Milligan, Moore, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs Black, Bledsoe, Carson, Cleveland, Cross of Sullivan, Deavenport, Dearing, Edwards, Eubank, Garner, Goodall, Gordon, Huddleston, Hughes, Lauderdale, McGinnis, Morris, Polk, Trott, Turner, Walker of Hickman, and Wann.

So said resolution was adopted.

Mr. Kinney presented a report from the Treasurer of the State, which was read and is tabular as follows:

To the General Assembly of the State of Tennessee:

In obedience to the resolution of your honorable body, adopted on the 28th of December last, requiring that the Treasurer of the State report to the General Assembly whether the treasurer of East Tennessee complied with the act of assembly of December 19th, 1831, entitled "an act for the relief of Lewis Ross," and if not, the reason why said act was not complied with the undersigned begs most respectfully to state that the treasurer of East Tennessee never did comply with said act of assembly, further than to cause the survey thereunder directed to be made; and the reason of his non-compliance therewith is as follows:

When the undersigned came to enquire into the facts, after causing the survey to be made as already stated, he found that said Ross had not lost the land in question, in a suit with Spears, but that in the suit with Spears he had recovered the land. But he recovered not under the State's title, but under a title which he had derived from the treaty of 1819, between the United States and the Cherokees, in the third article of which a reservation was made of land by name, so to be laid off as to include his house and out buildings, and being adjoining the Cherokee agency. The State however sold the land, viz: the North West quarter of section 23, range 4 West, 3d fractional township, containing 62½ acres, to John Brown for five dollars and two cents per acre; and the North East fractional quarter of section 27, in the same range and township, containing one hundred acres, to John Ross at four dollars and 90 cents per acre. This the State did, because the said land was regarded as being vacant, that is, embraced neither by the reservation of Spears, nor of Ross, but as Spears was in possession, claiming under the same treaty, Ross sued him, and the Supreme court decided that the land belonged to Ross under the aforesaid article of the treaty of 1819, and consequently that the State had no title.

Ross, to whom both of said quarter sections were conveyed by the said purchasers from the State, as the undersigned believes, is entitled to be repaid the purchase money and interest, but the undersigned could not pay it under the act of 1831, because in it the land is described as land lost by Ross in a suit with Spears; whereas it was land gained by him in that suit, on a title paramount to the title both of Spears and the State, in point of fact, however, the court held that it was granted to Ross by the treaty itself, and of course that the State could not sell it.

M. FRANCIS, Treasurer of Tennessee.

Ordered that said report be referred to the Committee on the Judiciary.

Mr. Kinney submitted the following resolution, No. 172:

Whereas, it appears to this General Assembly from the answer of the Treasurer of the State to a joint resolution adopted on the 28th of December last, that at the sale of the Hiwassee lands in November, 1820, that the North-west fractional quarter of section 26, range 4 West, 3d fractional township, containing 62½ acres, was sold to John Brown, for five dollars and two cents per acre, and that the North-east fractional quarter of section 27, in same range and township, containing one hundred acres, was sold to John Ross at four dollars and ninety cents per acre, that said purchasers have transferred their certificates to Lewis Ross, that the State has no title to said lands because they were included within the reservation granted to said Lewis Ross in the 8d article of the treaty of 1819, between the United States and the Cherokees, as the same has been established by the decision of the Supreme court of the State in the suit between said Ross and one John Spears, whereby it became the duty of the State to refund to the said Ross as assignee of said purchasers, the amount paid on their said purchase with interest thereon, and that the General Assembly attempted to discharge said duty by the passage of said act which has not been complied with because said act represents said land to have been lost by loss in the suit with Spears, whereas it was gained by him in said suit on the ground of his title being paramount to all other titles:

Therefore Resolved, That the Comptroller of the Treasury issue his warrant to said Lewis Ross, or his lawfully authorised agent, in conformity with said act of 1831, for the amount paid into the Treasury by said purchasers, for said land, together with interest thereon, from the time said sums were so paid into the Treasury, till and that the Treasurer pay the sum out of any money in the Treasury, not otherwise appropriated.

Which resolution was read a first time and passed.

Ordered that the same be referred to the Committee on the Judiciary.

Mr. Speaker Barringer (Mr. Polk in the chair) introduced,

A bill, No. 317, to restore the capital of the Bank of Tennessee, to provide a fund for the payment of the State debt, and more effectually to aid the cause of education; which bill was read a first time and passed.

Ordered that one hundred and fifty copies be printed for the use of this House.

A message from the Senate, by Mr. Cocke, their clerk:

Mr. SPEAKER: The Senate have read a third time and passed, a bill, No. 159, to tax goods sold at auction.

A bill, No. 194, to incorporate the Lebanon, Rome, and Carthage turnpike company.

A bill, No. 195, to amend an act passed the 12th day of November, 1842, and appointing commissioners for the improvement of Clinch river.

A bill, No. 136, to amend the charter of the Sycamore manufacturing company, passed the 5th of February, 1842, chap 128.

A bill, No. 198, to define cases in which the State may be taxed with costs.

Which bills are herewith transmitted and the concurrence of the House of Representatives therein requested.

Mr. Bond, from the Committee on Enrolled bills, reported as correctly engrossed bills of the following titles:

A bill, No. 100, to correct mistakes in entering lands in the Ocoee district, and for other purposes.

A bill, No. 156, to increase the jurisdiction of justices of the peace. And as correctly enrolled,

An act to establish the county of Cumberland.

An act to authorize Andrew H. Parker and others to open a turnpike road, and for other purposes.

A resolution directory to the President and Directors of the branch of the Bank of Tennessee, at Athens.

The Speaker thereupon signed said enrolled bills and resolution.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

Mr. Brooks, who had withdrawn for amendment Senate's bill, No. 165, to establish the seat of justice of Putnam county, returned the same with an amendment in lieu of the 1st and 2d sections; which amendment was adopted.

Said bill as amended was then read a second time and passed.

On motion of Mr. Lauderdale,

Ordered that said bill be referred to the Committee on New Counties and County Lines.

Mr. Richardson, from the Committee on Internal Improvements, to which was committed, "A bill No. 274, to authorize Frederick H. Stump, Daniel Young, and Micajah H. Wilkerson of Davidson county, to open a turnpike road, reported that there is already a charter, for road to a point proposed, and the committee ask to be discharged from the further consideration of the subject, and that the bill be laid on the table.

Which report was concurred in by the House.

Said bill was laid upon the table.

Mr. Richardson from the same committee to which was referred Senate's bill No. 177, to authorize Aaron Higginbotham to extend and keep in repair Higginbothams turnpike road across Cumberland mountain, reported the same with sundry amendments, and with the amendments recommended the passage of the bill; which amendments were severally agreed to by the House.

Said bill, as amended, was then read a second time and passed.

Mr. Richardson from the same committee, to which was referred a report from the majority of the board of commissioners for the Forked Deer river, and sundry petitions and memorials, viz: No. 87, 42, 119, 92, 100, 36, 136, 86, and 94; returned the same, and asked to be discharged from the consideration of the various subjects contained therein, and that the same be laid upon the table; which report was concurred in by the House, and said report, petitions, and memorials laid upon the table.

Mr. Coggin, who had withdrawn for amendment, a bill, No. 262, to

authorize the Comptroller of the Treasury to audit and settle the claim of John B. Rodgers; which amendment was adopted.

Mr. Boddie offered a proviso to said bill, which proviso was agreed to by the House.

Said bill as amended was then read a third time and passed, yeas 49, nays 16.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Duggan, Glenn, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Sherrill, Smart, Trice, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Huddleston, McGinnis, Marr, Miller of Hardeman, Milligan, Trott, Turney, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

On motion of Mr. Coggin,

Ordered that bill, No. —, to attach certain citizens of Smith county to De Kalb, be taken from the table and put in its place on the file.

The House took up bill, No. 58, to continue the encouragement of the culture of silk in the State of Tennessee.

Which was read a third time and passed, yeas 39, nays 31.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Sullivan, Deavenport, Duggan, Gordon, Hodsdon, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Roach, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Williams.

Those who voted in the negative are

Messrs. Black, Bledsoe, Bobo, Bone, Cleaveland, Cross of Madison, Crouch, Crudup, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Hamilton, Huddleston, McGinnis, Marr, Miller of Marshall, Milligan, Nave, Richardson, Smart, Trott, Turney, Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

So said bill passed a third and last time in this House.

Mr. Crudup moved to reconsider the vote rejecting a bill, No. 305, to provide for building a public Jail and Penitentiary house in East Tennessee.

Ordered that said motion be laid on the table.

Mr. Avery asked and obtained leave to withdraw for amendment Senate's bill, No. 128, to charter the Somerville and Memphis, the La Grange and Memphis, and the Shelby county and Mississippi turnpike companies.

The House then adjourned until 2 o'clock.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Eubank, who had withdrawn for amendment Senate's bill, No. 168, to change the time of holding certain circuit and chancery courts, returned the same without amendment; which bill was put in its place upon the file.

Mr. Hodsdlen moved to take up Senate's bill, No. 86, to aid in the establishment of an institution for the instruction of the blind and deaf and dumb; which bill was read a second time and passed.

The House took up bill, No. 129, to provide for the payment for record books of the supreme court.

Which bill was read a third time and rejected, yeas 27, nays 39.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bond, Burrus, Cheatham, Coggin, Cross of Madison, Edwards, Gordon, Houston, Humphreys, Jourdan, Lenoir, Miller of Hardeman, Moorman, Morrow, Rawlings, Rodgers, Sherrill, Trice, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Bone, Carson, Cleveland, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Goodall, Hamilton, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Nave, Polk, Richardson, Roach, Scott, Smart, Trimble, Trott, Turney, Walker of Hickman, Wan, and Wyley.

So said bill was rejected.

Mr. Polk moved a reconsideration of the vote rejecting said bill; which motion was agreed to by the House.

The House then took up said bill.

Mr. Nave moved to strike out the word "stationary," wherever it occurs in said bill; which motion prevailed.

Mr. Duggan offered an amendment to constitute an additional section; which amendment was rejected.

Said bill as amended was then read a third time and passed, yeas 44, nays 27.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cross of Madison, Crudup, Edwards, Fisher, Gordon, Hamilton, Hodsdlen, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Brooks, Carson, Cleveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Duggan, Eubank, Fisher, Garner, Goodall, Hord, Huddleston, Hughes, McGinnis, Miller of Marshall, Milligan, Trott, Turner, Turney, Walker of Hickman, Wan, and Wyley.

So said bill passed a third and last time in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 130, to amend the act of 1787, chap. 19; which bill was read a third time.

And the question being taken 'shall the bill pass?' it was determined in the affirmative, yeas 50, nays 21.

Those who voted in the affirmative are,
Messrs. Alexander, Avery, Black, Biedsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dearing, Edwards, Fisher, Goodall, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moorman Morris, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Turney, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,
Messrs. Anderson, Bobo, Burrus, Coggin, Crouch, Duggan, Eubank, Farquharson, Garner, Glenn, Hamilton, Humphreys, McGinnis, Moores, Morrow, Polk, Trott, Walker of Hickman, Wann, Wheeler, and Wyley.

So said bill passed on a third and last reading in this House.
The House took up a bill, No. 139, granting a longer time of four years to the La Grange and Memphis railroad company to complete their road; which bill was read a third time and passed.

A message from the Senate by Mr. Cocke, their clerk:
MR. SPEAKER: The Speaker of the Senate has signed enrolled bills from the House of the following titles:

- An act to establish the county of Cumberland.
- An act to authorize Andrew K. Parker and others to open a turnpike road and for other purposes.
- Also an enrolled resolution from the House entitled a resolution directory to the President and Directors of the Branch of the Bank of Tennessee at Athens.

Which enrolled bills and resolution are herewith transmitted.
Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Bond, from the Committee on Enrolments, reported as correctly enrolled a bill entitled: "An act to charter the Bank of East Tennessee."

The Speaker of this House thereupon signed said enrolled bill.
Ordered that the clerk transmit said bill to the Senate for the signature of the Speaker thereof.

Mr. Deavenport presented a petition from sundry citizens of Lawrence county, remonstrating against abolishing the chancery court at Lawrenceburg.

Which petitions were severally read and laid on the table.
A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed "A bill, No. 205, to incorporate Antioch Turnpike Company;" which bill is herewith transmitted, and the concurrence of the House therein re-

quired.
The Senate have taken up and considered bills from the House of

A bill, No. 132, for the benefit of garnishees, in certain cases.

A bill, No. 257, to confer certain powers upon the county courts of Fayette, Hardeman, and Shelby counties; and

A bill, No. 266, to amend the charter of the Harpeth Turnpike Company; which bills have been severally read by the Senate, a third time and passed, without amendment, and the same are herewith transmitted to the House.

The Senate have taken up and considered "A resolution from the House, No. 127, entitled "A resolution, authorising the Treasurer of the State, to receive State bonds from the Treasurer of the Clarksville and Russellville Turnpike Company, in lieu of dividends due the State from said company;" in which resolution the Senate concur without amendment.

The Senate have taken up and considered the amendments of the House to the Senate's amendment to "A bill from the House, No. 102, to authorise Samuel W. Atkinson, of Davidson county, to open a turnpike road," in which amendments of the House, the Senate concur.

The Senate have also taken up and considered the amendment of the House to Senate's bill, No. 64, entitled "A bill, to amend the law for the collection of the State revenue;" in which amendment of the House the Senate nonconcur.

The House took up, on its third reading "A bill No. 142, to establish a chancery court at Waynesboro', in the county of Wayne, and to abolish the chancery courts at Lawrenceburg, and Savannah.

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 23, nays 47.

Those who voted in the affirmative are,

Messrs. Bond, Bone, Brooks, Burrus, Cheatham, Cleveland, Cross of Madison, Crudup, Duggan, Goodall, Gordon, Lenoir, Maury, McComan, Morris, Nave, Rawlings, Richardson, Roach, Sherrill, Tyler, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bledsce, Bobo, Boddie, Carson, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Miller of Hardeman, Milligan, Moores, Folk, Rodgers, Scott, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Polk moved a reconsideration of the vote rejecting said bill; which motion prevailed.

Mr. Morris then asked and obtained leave to withdraw said bill for amendment.

Mr. Miller of Hardeman, asked and obtained leave to withdraw for amendment, "A bill, No. 144, to invest certain funds of the common schools on State bonds."

The House took up "Bill No. 143, to amend an act," entitled "an

act to prevent indictments and presentments in certain cases," which bill was read a third time, and

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 49, nays 19.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Robo, Boddie, Bone, Brooks, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Lauderdale, McGinnis, Miller of Marshall, Morris, Nave, Polk, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Bond, Burrus, Carson, Cheatham, Deavenport, Kinney, Lenoir, Maury, Miller of Hardeman, Moores, Morrow, Moorman, Rawlings, Richardson, Roach, Tyler, Walker of Williamson, and Mr. Speaker Barringer.

So said bill passed a third and last time in this House.

The House took up "Bill, No. 151, to amend the laws of this State, in relation to costs of suits," which bill was read a third time, and

The question being taken, "shall the bill pass?" it was determined in the affirmative, yeas 39, nays 30.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Robo, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Madison, Deavenport, Dearing, Duggan, Farquharson, Fisher, Gordon, Hodsden, Houston, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Morrow, Nave, Polk, Roach, Scott, Smart, Trice, Trott, Turney, Tyler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are.

Messrs. Anderson, Bledsoe, Boddie, Cleaveland, Cross of Sullivan, Crouch, Crudup, Edwards, Eubank, Garner, Goodall, Hamilton, Huddleston, Hughes, Humphreys, Kinney, Miller of Hardeman, Moores, Morris, Rawlings, Richardson, Rodgers, Sherrill, Trimble, Turner, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

So said bill passed a third and last reading in this House.

A message in writing from his Excellency the Governor, by John S. Young, Esq., Secretary of State.

Which was read at the clerk's table as follows:

EXECUTIVE DEPARTMENT,
Nashville, January 4, 1844. }

Gentlemen of the Senate and House of Representatives;

I have the honor to acknowledge the receipt of your resolution of the 27th ultimo, directing me to take charge of the ground, set apart for the capitol of the State. I do not know that I fully comprehend the intention of the General Assembly, in the first resolution: if, however, it was your intention (and I presume it was) that I should occupy the House and residence, I must beg leave most respectfully to decline th

honor, fully appreciating as I do, the kind intentions that suggested the Resolution.

The same resolution provides that the brick edifice on the ground shall be occupied by the Secretary of State; this I regard as a wise provision, as the office at present occupied by that officer, is insufficient for a business office, and a library room. If the General Assembly shall think proper to give other directions to the Executive, in regard to the public grounds, they will be most cheerfully attended to.

JAMES C. JONES.

Which was read and laid on the table.

Mr. Huddleston asked and obtained leave to withdraw for amendment Senate's bill, No. 63, to refund to White county the interest upon the common school fund, improperly paid over under the act of 1837-'38.

Mr. Anderson asked and obtained leave to withdraw for amendment a bill, No. 291, to establish a Chancery court at Springfield, in Robertson county.

Mr. Rodgers submitted the following resolution, No. 172:

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State take charge of the ground set apart for the site for the capitol of this State, and that he use proper measures to preserve them from damage, and that so much of a resolution adopted on the 27th December, 1843, as gives the Governor the charge of said grounds, be and the same is hereby rescinded; which was read and laid on the table.

The House took up bill, No. 157, to change the line between Bedford and Rutherford counties; said bill was read a third time and passed.

The House took up bill, No. 159, to restore Samuel Williford, of the county of Rutherford, to the privileges of citizenship; said bill was read a third time and passed.

The House took up bill, No. 160, to secure more effectually the payment of the tax on capital used in shaving notes; which bill was read a third time.

And the question being taken, "shall the bill pass," it was determined in the affirmative; yeas 40, nays 27.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boho, Bond, Bone, Burrus, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Farquharson, Fisher, Garner, Glenn, Gordon, Hughes, Humphreys, Jourdan, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Morrow, Nave, Polk, Richardson, Roach, Rodgers, Scott, Trice, Trott, Turney, Wheeler and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs Boddie, Brooks, Carson, Cheatham, Cleveland, Duggan, Eubank, Goodall, Hamilton, Hodsden, Hord, Houston, Kinney, Lenoir, Miller of Hardeman, Maury, Morris, Rawlings, Sherrill, Smart, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley.

So said bill passed a third and last time in this House.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled bill from the House, entitled an act to charter the Bank of East Tennessee, which enrolled bill is herewith transmitted,

Ordered that the clerk deposit said enrolled bill in the office of the Secretary of State.

Mr. Mo raw moved that Senate's bill, No. 205, to incorporate Antioch Turnpike Company, be referred to the Committee on Internal Improvement; which motion was agreed to by the House.

The House then adjourned until to morrow morning, 9 o'clock.

FRIDAY, JANUARY 5th, 1844.

The House met pursuant to adjournment.

Mr. Bond, from the Committee on Enrolments, reported the following bills as correctly enrolled:

An act to establish West Tennessee College at Jackson.

An act for the benefit of garnishees in certain cases.

An act to confer certain powers upon the county courts of Fayette, Hardeman, and Shelby counties.

An act to amend the charter of the Harpeth Turnpike Company.

An act to establish permanently the boundary line between Smith and Macon counties, and also an enrolled memorial, entitled "A memorial of the General Assembly of the State of Tennessee to the Congress of the United States;" which memorial and several enrolled bills were severally signed by the Speaker of this House, and

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

Mr. Boddie submitted the following resolution, No. 173:

Whereas the whole people of Tennessee have an interest in the State Bank, and whereas sundry persons have borrowed money from said bank and branches and have failed or refused to make payment, and whereas an investigation of said bank and branches was demanded by public sentiment, and has been ordered by the General Assembly at considerable expense to the State:

Therefore be it resolved by the General Assembly of the State of Tennessee: That the Joint Committee on Banks be directed to make out a condensed statement of the condition of the principal bank and branches, in which shall be plainly set forth the amount of suspended debt in each county, designating such as are good, bad, and doubtful, with the names of the drawer and endorsors in alphabetical order, as to drawers, that every citizen may be informed who has borrowed money of the bank and refuses to return; which resolution being read and the rule of the House requiring resolutions to lie one day upon the table being suspended.

Mr. Lenoir moved to strike out all after the words "drawers."

Mr. Crudup moved to amend said amendment by inserting the words "fails or;" which amendment was rejected.

The question then recurred on the motion to strike out, which was not agreed to by the House.

Said resolution was then adopted.

Mr. Wann moved to take up bill, No. 227, to establish a chancery court at the town of Decatur, in the county of Meigs; which was read a third time,

And the question being taken, "shall the bill pass," it was determined in the affirmative; yeas 55, nays 17.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Anderson, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Fisher, Garner, Goodall, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milhgan, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Scott, Smart, Trice, Turney, Tyler, Walker of Hickman, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cleaveland, Edwards, Eubank, Farquharson, Glenn, Hamilton, Humphreys, Lauderdale, Lenoir, Maury, Moores, Rodgers, Sherrill, Trimble, Turner, Walker of Williamson, and Wheeler.

So said bill passed a third and last time in this House.

Mr. Crouch asked and obtained leave of absence for Mr. Trott, until Monday next.

The House then resumed the consideration of a bill No. 164, to abolish the chancery court in the first chancery district at Jonesborough, and to establish the same at Elizabethton; which bill was read a third time,

And the question being taken, shall the bill pass, it was determined in the negative, ayes 29, nays 37.

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Cheatham, Cleaveland, Coggin, Dearing, Duggan, Farquharson, Goodall, Goode, Hamilton, Hodsden, Jourdan, Marr, Moores, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Turner, and Wheeler.

Those who voted in the negative are,

Messrs. Anderson, Black, Boddie, Carson, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milhgan, Moores, Moorman, Smart, Trimble, Turney, Tyler, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Black moved a reconsideration of the vote rejecting said bill which motion prevailed.

Mr. Black moved for leave to Mr. Nave to withdraw said bill for amendment; which motion was agreed to by the House.

Mr. Trimble moved to take up a motion heretofore made to reconsider the vote rejecting bill No. 249, to incorporate the Nashville Dam and Lock Company; which motion prevailed.

The question was then taken on a reconsideration of the vote rejecting said bill, and was determined in the affirmative, yeas 46, nays 23.

The yeas and nays No. 284, being called for by Mr. Roach, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Bond, Brooks, Cheatham, Cleaveland, Cross of Madison, Crouch, Cradup, Deavenport, Duggan, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Holsden, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Miller of Hardeman, Milligan, Moorman, Rawlings, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Bone, Burrus, Carson, Coggin, Cross of Sullivan, Dearing, Edwards, Eubank, Goodall, Hamilton, Humphreys, McGinnis, Miller of Marshall, Moores, Morrow, Nave, Richardson, Roach, Walker of Hickman, and Wann.

So said motion to reconsider prevailed.

Ordered that said bill be put in its place upon the file.

Mr. Maury, from the Committee on Enrolments, reported as correctly engrossed bills of the following titles, viz:

A bill, No. 129, to provide for the payment for books of the Supreme Court.

A bill, No. 130, to amend the act of 1787, chap. 19.

A bill, No. 151, to amend the laws of the State in relation to costs of suit.

A bill, No. 157, to change the line between Bedford and Rutherford counties.

A bill, No. 159, to restore Samuel Williford of the county of Rutherford, to the privileges of citizenship.

A bill, No. 160, to secure more effectually the payment of the tax on capital used in shaving notes.

A bill, No. 262, to authorise the Comptroller of the Treasury to audit and settle the claims of John B. Rodgers.

A bill, No. 139, granting a longer time of four years to the LaGrange and Memphis Railroad Company to complete their road.

A bill, No. 58, to continue the encouragement of the culture of silk in the State of Tennessee.

And also, as correctly engrossed the following resolution:

Resolution, No. 118, directory to the Comptroller of the Treasury; and

Resolution, No. 170, providing for a revision and digest of the general statutes of the State of Tennessee.

Ordered that said engrossed bills and resolutions be transmitted to the Senate, and their concurrence therein requested.

Mr. Maury, from the same committee, also reported as correctly enrolled a bill entitled, "an act to amend and explain an act entitled, an act to carry into effect an act of Congress, passed and approved the 18th day of February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line in this State."

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled memorial and bills of the following titles:

An act to establish West Tennessee College at Jackson.

An act for the benefit of garnishees in certain cases.

An act to confer certain powers upon the county courts of Fayette, Hardeman, and Shelby counties.

An act to amend and explain an act entitled, "an act to carry into effect an act of Congress, passed and approved the 18th day February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line in this State"

A memorial of the General Assembly of the State of Tennessee to the Congress of the United States; which enrolled memorial and bills are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Alexander introduced, a bill, No. 318, more effectually to provide against the detalcation of the public officers of the State; which bill was read a first time and passed; and

Mr. Alexander moved that said bill be referred to the Committee on the Judiciary; which motion prevailed.

Mr. Williams submitted the following resolution, No. 174:

Whereas, Dr. J. G. M. Ramsey, a citizen of this State, proposes to publish a history of Tennessee, and recognising as we do the great necessity for, and importance of such a work, and being desirous to afford all the facilities for the execution of such an enterprise,

Therefore be it resolved by the General Assembly of the State of Tennessee, That the Secretary of State is hereby authorized and requested to grant to Dr. Ramsey access to the records and books belonging to the State at any time that he may desire to examine the same.

And the rule requiring resolutions to lie one day upon the table being suspended, said resolution was adopted.

Ordered that the same be engrossed and transmitted to the Senate.

The House adjourned until 2 o'clock.

AFTERNOON SESSION.

Mr. Rodgers submitted the following resolution, No. 175:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be and he is hereby authorized to take from the old Nashville Bank lands in the Western District or elsewhere in the State from said Bank, and in order to carry out the object of this resolution he is hereby authorized to appoint some competent agent to ascertain and agree on the value of said lands; which was read and laid upon the table.

Mr. Maury submitted the following resolution, No. 176:

Resolved by the General Assembly of the State of Tennessee, That

the Secretary of State be and he is hereby authorized to deposite for safe keeping in the Bank of the State of Tennessee the duplicates of the million of State bonds issued to raise capital for the said Bank; which was read and laid upon the table.

On motion of Mr. Richardson,

The House took up a bill, No. 301, to amend an act entitled an act to establish a State Bank, to raise a fund for Internal Improvements, and to aid in the establishment of a system of education, and an act supplemental thereto.

Mr. Carson offered the following amendment in lieu of the 8th section of said bill:

Be it enacted, That the Bank of Tennessee shall be reorganized so as to reduce the number of branches of the Bank to two, one of which to be located in East Tennessee and the other in the Western District; and that the capital stock of the Bank shall be distributed equally between the principal Bank and said two Branches according to the federal population of each division of the State; and that the charter of said Bank shall be altered and amended in such a manner as to secure in the best possible manner the capital stock of the Bank from loss, and so as to secure its faithful and efficient operation, both for the interests of the people and of the State.

And pending the consideration of said bill and amendment, the House adjourned till to-morrow morning, 9 o'clock.

SATURDAY, JANUARY 6th, 1844.

The House met pursuant to adjournment.

Mr. Kinney presented the petition, No. 191, of sundry citizens of the county of Washington, praying that Nolachucky river be declared navigable as high as to the seven islands; which was read and laid on the table.

Mr. Coggin presented the petition of sundry citizens of Cannon county, praying to be attached to the county of De Kalb; which was read and transmitted to the Senate.

Mr. Anderson presented the petition of James F. Bradford, James W. Netherland, and T. Nixon Van Dyke, securities of Spencer Beavers, former sheriff of McMinn county, praying for Legislative relief; which was read and referred to Committee on Claims.

Mr. Anderson, presented the petition of sundry citizens of McMinn county, praying the Legislature to set apart five acres of land, in a certain school section in said county, for a school house, church and graveyard; which was read and ordered to be transmitted to the Senate.

Mr. Gordon, from the Committee on New Counties and County Lines, to which was referred: "A bill, No. 117, from the Senate, to establish the county of Hancock, in honor of John Hancock, one of the patriots of the revolution," reported the same with sundry amendments thereto, and with said amendments recommended the passage of the bill: which amendments were severally adopted.

The bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

Mr. Gordon, from said committee, to which was referred a bill, No-

175, to alter the county lines between the counties of Knox, Sevier, and Jefferson so as to include the farm of William Thompson, in the county of Jefferson, reported the same without amendment, and recommended the rejection of the bill; said bill was then read a second time and rejected.

Mr. Bond, from the Committee on Enrolments, reported as correctly engrossed, a bill, No 227, to establish the chancery court at the town of Decatur, in the county of Meigs.

Ordered that the clerk transmit the same to the Senate and request their concurrence therein.

Mr. Bond, from the same committee, reported as correctly enrolled a resolution authorising the Treasurer of the State to receive State bonds from the Treasurer of the Clarksville and Russellville turnpike company, in lieu of dividends due the State from said company.

The Speaker of this House signed said enrolled resolution.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

The Speaker presented the report of the commissioners appointed to examine the Branch of the Bank of Tennessee, at Columbia; which was read, and

On motion of Miller of Hardeman,

Ordered that said report and the accompanying documents be transmitted to the Senate.

Mr. Avery who had withdrawn for amendment Senate's bill, No. 127, to charter the Sommerville and Memphis, the LaGrange and Memphis, and the Shelby county and Mississippi Turnpike Company, returned the same with sundry amendments; which amendments were agreed to by the House.

Said bill as amended was read a third time and passed.

Mr. Huddleston, who had withdrawn for amendment, Senate's bill, No. 63, returned the same with an amendment; and

Mr. Huddleston moved to take up the motion of Mr. Brooks to reconsider the vote rejecting Senate's bill, No. 63, to refund to White county the interest upon common school fund improperly paid over under the act of 1837-'38; which motion prevailed, and the vote rejecting said bill was re-considered.

Ordered that said bill be put in its file with bills on their third reading.

Mr. Carson, from the Select Committee, appointed to consider of bill, No. 103, to give Justices of the Peace jurisdiction of the trial of misdemeanors, returned the same with sundry amendments; which amendments were severally adopted.

Ordered that said bill be put in its place on file with bills on their third reading.

Mr. Milligan, who had withdrawn for amendment, bill, No. 308, for the relief of the securities of Madison G. Fellers, late sheriff of Green county; returned the same with an amendment in lieu of the whole bill; which amendment was adopted.

Ordered that said bill be put in its place on file with bills on their third reading.

Mr. Bobo introduced bill, No. 319, to incorporate a manufacturing company at Manchester, in Coffee county; which bill was read a first time and passed.

On motion, said bill was referred to the Committee on Agriculture and Manufactures.

Mr. Williams submitted the following resolution, no. 177:

Resolved, That this House will meet at half past 6 o'clock, p. m., and remain in session until 9 o'clock, on Monday, Tuesday, Thursday and Friday evenings of each week during the remainder of the session.

Which was read and laid on the table.

The House took up the report of the Committee on New Counties and County Lines, the same being bill, No. 190; to change the line between Smith and DeKalb counties.

Which bill was read a first time and passed.

Mr. Marr introduced bill No. 320, for the relief of Stockholders of Turnpike roads in this State.

Which bill was read a first time and passed.

Mr. Lenoir moved to put on the file with bills on their second reading, bill No. 92, to amend an act passed January 12th, 1842, chapter 67, to amend the common school law and for other purposes.

Which motion was agreed to by the House.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled resolution entitled

A Resolution authorising the Treasurer of the State to receive State Bonds from the Treasurer of the Clarksville and Russellville Turnpike company in lieu of the dividends due the State from said company—Which is herewith transmitted.

Ordered that the clerk deposit the same in the office of Secretary of State.

The Senate have taken up and passed upon their third and last reading, bill of the following titles, to-wit:

Bill No. 45, to impose a tax for the use of the State on gold watches, jewelry, plate, piano fortes, except when the latter are used in schools and academies, or by teachers of music.

Bill No. 65, to define the duties of Attorney Generals.

Bill No. 214, to incorporate the Fort Pickering Dry Dock company.

Bill No. 202, for the relief of persons who have or may hereafter pay to the clerk of the county court for license authorising them to sell goods, wares and merchandize in this State, or any other privilege.

Which are herewith transmitted and the concurrence of the House of Representatives therein requested.

The Senate have also taken up and adopted Resolution No. 101, in relation to the payment of the expense of defending the title of the Toqua School Section in Monroe county.

Which resolution is herewith transmitted and the concurrence of the House of Representatives requested therein.

The Senate have taken up and rejected House bills of the following titles, to wit:

Bill No. 129, to provide for the payment of the record book of the supreme court.

Bill No. 156, to increase the jurisdiction of justices of the peace,
 Bill No. 159, to restore Samuel Williford of the county of Rutherford to the privileges of citizenship.

Which are herewith transmitted.

The Senate have also taken up and considered the amendment of the House of Representatives, to the Senate's amendment to House bill, No. 73, for the relief of Joseph Newman, sheriff of Franklin county, and have concurred therein.

The Senate have also taken up and considered their amendment to the House bill, No. 281, to amend the charter of the Jefferson Turnpike Company, and the Senate receded therefrom; which said bills are herewith transmitted.

The House resumed the consideration of bill, No. 301, to amend an act, entitled an act to establish a State Bank, to raise a fund for Internal Improvement, and to aid in the establishment of a system of education, and an act supplemental thereto.

The question being on the adoption of the amendment offered by Mr. Carson in lieu of the 8th section of the bill.

Mr. Maury offered an amendment in lieu of the bill from the end of the first section.

Mr. Rodgers moved to strike out the 5th section of this amendment.

Mr. Coggin moved that said bill and amendments be indefinitely postponed; and

The question being taken, "shall the bill and amendments be indefinitely postponed?" it was determined in the negative, yeas 29, nays 42.

And the ayes and nays, No. 285, being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Bone, Brooks, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Eubank, Fisher, Garner, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Miller of Marshall, Milligan, Polk, Scott, Smart, Turney, and Wann.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Burrus, Carson, Cheatham, Cross of Madison, Crudup, Duggan, Edwards, Farquharson, Glenn, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Lenoir, McGinnis, Marr, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said motion was not agreed to by the House.

The question was then taken on the motion of Mr. Rodgers to strike out the 8th section of the amendment offered by Mr. Maury, which was determined in the affirmative, yeas 39, nays 34.

The ayes and nays, No. 286, being called for by Mr. Richardson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Cog-

gin, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Polk, Rodgers, Scott, Sherrill, Smart, Turney, Tyler, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Duggan, Glenn, Goodall, Goode, Hamilton, Hodsden, Jourdan, Marr, Maury, Moores, moorman, morris, Morrow, Nave, Rawlings, Richardson, Roach, Trice, Trimble, Turner, Walker of Hickman, Walker of Williamson, Wheeler, and Wyley.

So the 5th section was stricken out.

Mr. Carson then withdrew the amendment offered by himself in lieu of the 8th section of the original bill, and offered the same as an amendment to the amendment offered by Mr. Maury.

The question was then taken on said amendment and determined in the negative, yeas 29, nays 41

The ayes and nays, No. 287, being called for by Mr. Carson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Burrus, carson, cheatham, cleaveland, cross of Madison, crudup, Duggan, Farquharson, Goodall, Hamilton, Hodsden, Jourdan, McGinnis, Marr, Maury, Moores, Nave, Rawlings, Richardson, Roach, Trice, Trimble, Turner, Walker of Williamson, Wheeler, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Boddie, Bond, Bone, Brooks, Coggin, Cross of Sullivan, Crouch, Deavenport, Dearing, Edwards, Eubank, Fisher, Garner, Goode, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Marshall, Milligan, Morris, Polk, Rodgers, Scott, Sherrill, Smart, Turney, Tyler, Walker of Hickman, Wann, and Speaker Barringer.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by Mr. Maury in lieu of the whole bill after the first section, and was determined in the affirmative—Yeas 59, Nays 11.

The ayes and nays, No. 288, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Burrus, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Fisher, Farquarson, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lenoir, Marr, Maury, Milligan, Moores, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Trice, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Bone, Carson, Deavenport, Edwards, Eubank, Gleen, Lauderdale, McGinnis, Miller of Marshall, and Turner.

So said amendment, as amended, was adopted.

Mr. Maury moved the previous question; which motion being seconded by a majority of all the members present, the question was taken, "shall the main question now be put?" It was determined in the affirmative, yeas 40, nays 3.

The yeas and nays, No. 289, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, Wiley, and Mr. Speaker Barringer.

Those who voted in the negative are

Messrs. Anderson, Black, Bledsoe, Bobo, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquarson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, M'Ginnis, Miller of Marshall, Milligan, Polk, Scott, Sherrill, Smart, Turney, and Wann.

Mr. Polk moved to call the House; which being objected to, the question was taken, "shall the House be called?" it was determined in the negative; yeas 33, nays 37.

The yeas and nays No. 290, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bone, Coggin, Cross of Madison, Crouch, Deavenport, Edwards, Eubank, Farquarson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, M'Ginnis, Marr, Miller of Marshall, Milligan, Polk, Scott, Sherrill, Smart, Turner, Turney, Walker of Hickman, and Wann.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Dearing, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Morris, Moores, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, Wiley, and Mr. Speaker Barringer.

So the House refused said call.

The question was then taken "shall the bill pass?" it was determined in the affirmative; yeas 37, nays 32.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Bond, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Dearing, Duggan, Fisher, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Lenoir, M'Ginnis, Maury, Moores, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Wiley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Bone, Brooks, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquarson, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Marr, Miller of Marshall, Milligan, Scott, Sherrill, Smart, Turney, Wann, and Williams.

Ordered that the same be engrossed and transmitted to the Senate.

Mr. Polk moved a reconsideration of the vote just taken, and pending the consideration of said motion,

The House adjourned until Monday morning, nine o'clock.

MONDAY, JANUARY 8th, 1844.

The House met pursuant to adjournment.

Mr. Crudup moved that the special rule fixing the time for meeting and adjourning be suspended, and said rule being suspended,

Mr. Crudup moved that this House do now adjourn until to-morrow morning, 9 o'clock, in order to celebrate the anniversary of the victory of New Orleans.

The question being taken upon said motion, it was determined in the affirmative; yeas 46, nays 18.

The ayes and nays, No. 292, being called for by Mr. Morrow, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Burrus, Cheatham, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Polk, Rawlins, Scott, Sherrill, Smart, Trimble, Turney, Tyler, Walker of Williamson, and Wann.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Brooks, Carson, Cross of Madison, Duggan, Hamilton, Hodsdon, Maury, Moorman, Morrow, Nave, Rodgers, Trice, Walker of Hickman, Wheeler and Williams.

So the motion prevailed; and

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, JANUARY 9th, 1844.

The House met pursuant to adjournment.

Mr. Brooks presented a petition No. 194, from sundry citizens of the 11th district of Jackson county, praying the Legislature to remove the seat of justice from Gainsboro' to the centre of the county.

Which was read and referred to the Committee on New Counties and County Lines, with instructions to report a bill.

Mr. Goode submitted the following memorial and resolution No. 193:

The Legislature of the State of Tennessee would respectfully represent and shew to the honorable Senate and House of Representatives of the Congress of the United States, that by an act passed the 11th day of January, 1842, said State accepted the agency created by an act of Congress, approved February the 18th, 1841, entitled an act to amend an act entitled an act to authorise the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed the 18th day of April, 1803, and has this far in all things complied with the provisions of said act of Congress, allowing the location of North Carolina land warrants in the manner of said act directed, or in default of such location, paying twelve and a half cents per acre for the number of acres contained in each warrant presented, and granting the preference of entry and purchase specified in said act—that on the first day of July, 1842, offices were opened for entries in the several counties of the State in which said lands are situated, and

from that time to the 8th of January, 1843, a period of eighteen months and seven days, the sum of \$1874 49 cents have been received into the Treasury from that source, and \$1833 12 cents, paid out on said warrants, being an excess of receipts over payment of only \$41 37. The cause of the receipts of so small a sum are to be found in the facts, that previously to the passage by Congress of said act, nearly all the lands of any value lying within the limits embraced by said act, has been granted upon North Carolina land warrants—that when any lands could be found suitable for cultivation, they were in very small parcels of only a few acres, surrounded by such as are very poor and unfit for tillage—that the expense of reclamation from the forest of those few acres would be equal to their value when reclaimed, and that the unappropriated lands of the United States in other States at one dollar and a quarter per acre, offered for more tempting inducements thereto, refuse lands in the State far at 12½ cents per acre. The Legislature would further show, that if the entire unrestricted control of said lands was given to this State, inducements might be offered for settlement upon and improvement of them, then adding to some extent to her wealth and taxable property, and retaining within her limits an industrious hardy and valuable population, good citizens in peace and patriotic volunteers in time of war.

The Legislature would therefore respectfully ask your honorable body to pass an act unconditionally ceding to the State Tennessee said lands, except as to the payment of 12½ cents per acre, upon such North Carolina land warrants as may be presented by the first day of July, 1844, or the location of them upon said land under the restrictions contained in said act of Congress.

Resolved, That His Excellency James C. Jones, be requested to forward a copy of this memorial to our Senators in Congress, and that they present the same, and also introduce a bill in accordance with its request.

Which memorial was read and

Mr. Crudup called the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall said memorial and resolution be adopted? and determined in the affirmative—Yeas 65, Nays 4.

The ayes and nays, No. 293, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cherry, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Mcorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trot, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wiley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cleaveland, Cross of Sullivan, Eubank, and Marr:

So said memorial and resolution was adopted.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Duggan submitted the following resolution, No. 178:

Whereas, the time is fast approaching and has almost arrived when by and in pursuance of a joint resolution heretofore adopted by the General Assembly it must adjourn sine die, and the great mass of unfinished business now on the table of the House of Representatives admonishing the members thereof that a little time as possible should be wasted or lost: therefore,

Resolved, That in order to expedite business that the House of Representatives will hereafter hold night session, commencing at six o'clock, P. M. and continue in session until nine, P. M.

Which was read and laid on the table.

Mr. Tyler, from the Committee on Agriculture and Manufactures, to whom had been referred, A Bill, No. 319, to incorporate a Manufacturing Company at Manchester, in Coffee county, reported that the Committee had had the same under consideration, and had instructed him to report said bill with an amendment thereto, and with said amendment to recommend the passage thereof; which amendment is as follows:

Section 10. *Be it enacted*, That the present property of each individual stockholder shall be held liable for the debts of the corporation, to the amount of stock subscribed by such stockholders; which amendment was adopted.

Said bill as amended was then ordered to its place on the calender of bills on their second readings.

Mr. Trimble, from the select committee on revenue, to which had been referred A bill from the Senate, No. 188, reported said bill with an amendment in lieu of the whole bill from the enacting clause and with said amendment recommend the passage thereof.

Mr. Goode moved to amend said amendment by inserting after the word "loan," in the — line of the — section, the words "or deposited;" which amendment was adopted.

Said amendment, as amended, was then adopted.

Mr. Bond moved a suspension of the rules requiring bills to be acted on according to their order on the calender, so that the House may now act on the revenue bill just reported by the Select Committee; and the question being taken on agreeing to said motion, it was determined in the negative, there not being two thirds in favor of suspension, yeas 42, nays 32.

The ayes and nays, No. 294, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cherry, Coggin, Cross of Madison, Dearing, Farquarson, Goodall, Goode, Hamilton, Hodsden, Hughes, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Morris, moorman, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Carson, Cleaveland, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, Lauderdale, M'Ginnis, Marr, Miller of Marshall, Milligan, Polk, Scott, Trott, Turner, Turney, Wann, and Wiley.

So the House refused to suspend the rules, it requiring a vote of two thirds of the members present.

Said bill as amended was then placed on the callender, among the bills on their third reading.

Mr. Trimble, from same Committee, to which had been referred A bill No. 283, to authorize the Treasurer and officers of the Bank of Tennessee to draw on each other, reported that the Committee had had the same under consideration and had instructed him to report said bill without amendment and to recommend the passage of the same.

Ordered that said bills be placed on the calender amongst bills on their third reading.

Mr. Maury, from the Committee on enrolments, reported as truly enrolled the following bills to wit:

An act to authorise the Comptroller of the Treasury to make allowances for Sheriffs, who by the directions of any Court summons more than two persons, to guard prisoners; and,

An act to amend the charter of the Jefferson Turnpike Company.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the Clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Polk moved that the House take up a resolution, No. 144, instructing our members in Congress to use their exertions to have justice done Gen. Andrew Jackson by refunding to him, without condition, one thousand dollars, a fine imposed on him by Judge Hall, in 1815.

And the question being taken on agreeing to said motion, it was determined in the negative, ayes 35, nays 38.

The yeas and nays No. 295, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Crouch, Deavenport, Dearing, Edwards, Eubank, Farquhanson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Wann, Walker of Hickman, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, moorman, Morris, Morrow, Nave, Rawhags, Richardson, Roach, Rodgers, Sherrill, Price, Trimble, Tyler, Waker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to take up said resolution,

Mr. Richardson submitted the following resolution No. 173:

Resolved, That bills, which have for their object the raising of revenue, in order to meet the liabilities of the Treasury, shall have precedence over all other bills, until they are disposed of; which was read and laid on the table.

On motion of Mr. Hodsdon,

The House took up A bill, No. 221, to secure bona fida purchasers in their possessions and titles.

Mr. Hodsdon asked and obtained leave to withdraw said bill for amendment.

The House took up Senate's nonconcurrence to House's amendment to A bill from the Senate, No. 64, to amend the revenue laws, for the collection of the State revenue."

Mr. Goode moved that the House insist on its amendment to said bill, and that a committee of conference, to consist of three members of the House, be appointed; which motion was agreed.

The Speaker of this House thereupon appointed Messrs. Goode, Boddie, and Lenoir, to be of that committee on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Duggan introduced "A bill, No. 321, to amend the act of 1803, chap. 9," entitled "an act to prevent malicious mischief;" which was read a first time and passed.

Ordered that the said bill be referred to the Committee on the Judiciary.

Mr. Crouch introduced "A bill, No. 322, to declare Nola Chucky river navigable from Elijah Embree's to the Seven Islands;" which was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvements.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate has read a third time and passed the following bills:

A bill, No. 67, to declare certain professions and civil offices to be privileges, and to impose a tax thereon; and

A bill, No. 175, to defray the expenses of the present General Assembly, with a report of the joint Committee on Finance, which is made a part of this bill.

Which bills are herewith transmitted, and the concurrence of the House therein is requested.

The Senate have taken up and adopted "A resolution, No. 109, directory to the Superintendent of Public Instruction, or Comptroller of the Treasury;" which is herewith transmitted, and the concurrence of the House therein is requested.

The Senate have taken up and considered a resolution from the House, No. 174, directory to the Secretary of State.

In which resolution the Senate concur with an amendment thereto, which is herewith transmitted, and the concurrence of the House therein is requested.

The Senate have taken up and adopted, a memorial of the General Assembly of the State of Tennessee, to the honorable the Congress of the United States, relating to a depot proposing its establishment at the city of Memphis, in the State of Tennessee; which is herewith transmitted, and the concurrence of the House therein requested.

The Senate have received and read two memorials, No. 114, from sundry citizens of Davidson county, praying the charter of the Richland Turnpike company; which in obedience to an order of the Senate is herewith transmitted.

The Speaker of the Senate has signed an enrolled bill of the Senate entitled "An act to charter the Somerville and Memphis, the LaGrange and Memphis, and the Shelby county and Mississippi Turnpike Company;" which is herewith transmitted, for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Alexander,

Ordered that the memorial transmitted from the Senate on this day

relating to the depot at Memphis, be referred to the Committee on that subject.

The House took up "A bill, No. 103, to give justices of the peace jurisdiction of the trial of misdemeanors.

Mr. Farquharson offered the following amendment:

Provided, That in all cases coming under the provisions of this act, the accused shall have the right to be heard in his defence in the circuit court, next to be holden, or before a justice of the peace at his election. If any person accused shall wish to be tried in the circuit court by a jury, the justice of the peace shall not try such case, but he shall make return to said court, of the warrant, and require the accused to appear at the said term, under the same penalties as now required by law.

Mr. Goodall moved the previous question; which being seconded by a majority of all the members present,

The question was then put, "shall the main question be now taken?" which was agreed to.

The main question was then taken "shall the bill pass?" it was determined in the affirmative, yeas 36, nays 34.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Brooks, Carson, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Fisher, Garner, Goodall, Gordon, Hodsden, Houston, Huddleston, Humphreys, Jourdan, Kinney, Miller of Hardeman, Miller of Marshall, Nave, Rodgers, Scott, Sherrill, Trice, Trott, Turner, Turney, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bond, Bone, Burrus, Cherry, Coggin, Edwards, Farquharson, Goode, Hamilton, Hord, Hughes, Lauderdale, Lenoir, McGinnis, Marr, Maury, Milligan, Moores, Moorman, Morris, Morrow, Polk, Richardson, Roach, Smart, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Miller of Marshall,

Ordered that a bill from the Senate, No 6, to repeal the act of 1842, chapter 3, entitled "an act to abolish imprisonment for debt and for other purposes," be placed on file amongst Senate's bill on their second reading.

The House took up a bill, No. 165, for the benefit of securities in certain cases; said bill was then read a third time,

And the question being taken, "shall the bill pass," it was determined in the negative; yeas 4, nays 65.

Those who voted in the affirmative are,

Messrs Burrus, Smart, Turner, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon

Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphrey, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trott, Turner, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill, No. 166, to prevent the sacrifice of property sold at execution sales.

Mr. Brooks moved to insert after the word "note" in the 13th line the words "bearing interest from date;" which amendment was adopted.

Mr. Goode moved to insert after the word "purchasers" in the 20th line, the words "and his or their securities;" which amendment was adopted.

Mr. Morris then moved the previous question, which being seconded by the majority of all members present.

The question was then put, "shall the main question be now taken," which being agreed to.

The main question was then taken, "shall the bill as amended pass," and was determined in the affirmative; yeas 38, nays 28.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Bond, Brooks, Burrus, Carson, Cleveland, Coggin, Crouch, Crudup, Deavenport, Dearing, Farquharson, Goodall, Goode, Hamilton, Hord, Humphreys, Jourdan, Lenoir, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Rodgers, Scott, Sherrill, Trimble, Trott, Turney, Tyler, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Cherry, Cross of Madison, Cross of Sullivan, Edwards, Garner, Glenn, Gordon, Hodsdon, Huston, Hughes, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Moorman, Morrow, Rawlings, Richardson, Smart, Turner, Walker of Hickman, Walker of Williamson, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up the motion made by Mr. Bond to re-consider the vote of the House on the passage of a bill, No. 80, for the relief of the heirs of Thomas Maxwell, dec., of Blount county, on the 14th day of December.

And the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 59, nays 20.

The yeas and nays, No. 299, being called for by Mr. Bond and ordered by the House,

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Boddie, Bond, Bone, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moorman, Morris, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney,

Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bobo, Carson, Cleaveland, Cross of Madison, Deavenport, Dearing, Duggan, Hodsdon, Hughes, Humphreys, Lenoir, Miller of Marshall, Moores, Morrow, Rawlings, Wheeler, and Williams.

So said vote was re considered.

Mr. Williams then moved that said bill be re committed to the Committee on Public Lands; which was disagreed to by the House.

Mr. Williams moved that it be referred to the Committee on Claims; which was also disagreed to.

Mr. Fisher moved the indefinite postponement of said bill.

And the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 40, nays 29.

The yeas and nays, No. 300, being called for by Mr. Hodsdon and ordered by the House.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Boddie, Bond, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Dearing, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hord, Huddleston, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Nave, Polk, Roach, Scott, Smart, Trice, Turner, Turney, Tyler, Walker of Hickman, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bobo, Bone, Burrus, Carson, Cleaveland, Crudup, Deavenport, Duggan, Goode, Hodsdon, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Marshall, Morrow, Rawlings, Richardson, Sherrill, Trott, Walker of Williamson, Wann, Wheeler, and Williams.

So said bill was indefinitely postponed.

The House took up a bill, No. 168; to provide a remedy for the survey of land where the regular surveyor of any county may be interested.

Said bill was then read a third time, and the question being taken, "shall the bill pass?" it was determined in the negative, yeas 24, nays 48.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Burrus, Carson, Cleaveland, Coggin, Deavenport, Dearing, Duggan, Edwards, Hodsdon, Hughes, Humphreys, Lauderdale, Lenoir, Marr, Morris, Rawlings, Rodgers, Sherrill, Turner, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Bond, Bone, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Jourdan, Kinney, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Polk, Richardson, Roach, Scott, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Wyley.

Said bill was rejected.

The House took up a bill, No. 171, to furnish other States with the reports of the supreme courts.

Said bill was then read a third time, and the question being taken, "shall the bill pass?" it was determined in the affirmative, yeas 62, nays 11.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Duggan, Edwards, Fisher, Garner, Glenn, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Turney, Tyler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Farquharson, Goodall, Nave, Rodgers, Trott, Turner, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Roach moved that the House take up a resolution, No. 177, to hold night sessions, submitted by Mr. Williams on the 6th inst.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 42, nays 29.

The yeas and nays, No. 103, being called for by Mr. Roach, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cleaveland, Cross of Madison, Deavenport, Dearing, Duggan, Fisher, Goode, Hamilton, Hodsdon, Hord, Houston, Hughes, Lenoir, McGinnis, Maury, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Smart, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Anderson, Black, Brooks, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Edwards, Farquharson, Garner, Glenn, Goodall, Gordon, Huddleston, Humphreys, Kinney, Lauderdale, Marr, Miller of Hardeman, Miller of Marshall, Polk, Scott, Sherrill, Trice, Trott, Turner, Turney, and Wyley.

So the House agreed to take up said resolution.

Mr. Farquharson moved to amend said resolution so that the House meet every night until the close of the session.

Mr. Morrow called for the previous question, which being seconded by a majority of all the members present, the question was then taken, "shall the main question be now taken," which being agreed to, the main question was then taken, "shall the resolution be now adopted," and was determined in the affirmative, yeas 51, nays 20.

The yeas and noes being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cleaveland Coggin, Cross of Madison, Deavenport, Dearing, Duggan, Farquharson, Fisher, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trimble, Trott, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Anderson, Cherry, Cross of Sullivan, Crouch, Crudup, Edwards, Garner, Glenn, Goodall, Goode, Kinney, Lauderdale, Marr, Miller of Hardeman, Sherrill, Trice, Turner, Turney, and Wyley.

So said resolution was adopted.

The House took up a bill, No. 172, to amend the revenue laws of this State in relation to tax sales.

Mr. Smart offered the following amendment: Provided that nothing here contained shall affect or abridge the right to reduce as now provided for by law; which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, "shall the bill pass," it was determined in the affirmative, yeas 54, nays 16.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Burrus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Duggan, Edwards, Fisher, Garner, Glenn, Goodall, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Kinney, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Nave, Rawlings, Richardson, Roach, Scott, Sherrill, Smart, Trice, Turner, Tyler, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Brooks, Farquharson, Goode, Hamilton, Humphreys, Lauderdale, Moores, Morrow, Rodgers, Trimble, Trott, Turney, Walker of Hickman, and Wann.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER The Senate have read a third time and passed with sundry amendments the following bills from the House:

A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb.

A bill, No. 178, to establish the county of Hanover; and

A bill, No. 202, authorising and allowing appeals from the decisions of the county courts in certain cases; which bills and amendments are herewith transmitted and the concurrence of the House in said amendments is requested.

The Senate have taken up and considered, a resolution from the

House, No 118, directory to the Comptroller of the Treasury, which resolution the Senate concur without amendment.

The Senate have taken up and rejected, a resolution, No. 179, providing for the revision and digest of the general statutes of the State of Tennessee; which resolutions are herewith transmitted.

The Senate have taken up the amendments of the House to a bill from the Senate, No. , to establish the county of Hancock, in honor of John Hancock, one of the patriots of the revolution, in which amendments of the House the Senate concur.

The House then adjourned until half past 6 o'clock, p.m.

NIGHT SESSION.

The House met pursuant to adjournment.

On motion of Mr. Gordon,

The House took up a resolution, No. 172, directory to the Secretary of State, submitted by Mr. Rodgers on the 4th inst.

Mr. Gordon then moved to amend said resolution by an amendment in lieu of the whole resolution from the resolve.

Mr. Gordon then moved to strike out "the exception of the brick tenement."

Mr. Crudup then moved the previous question; which motion was not seconded by the House.

So the motion was disagreed to.

Mr. Crudup moved that said resolution and amendment be laid on the table; which motion was disagreed to by the House.

The question then recurred on Mr. Gordon's motion to strike out as above, and was disagreed to by the House.

Mr. Gordon then moved to amend said resolution by adding the following words, "and for other purposes;" which was disagreed to by the House.

Mr. Trott offered the following amendment to the original resolution: "And the Secretary of State rent out the dwelling house and other houses, except the brick office for the Secretary of State, until it shall be necessary to remove the same to build the capitol."

Mr. Polk moved to amend said amendment by adding, "and that the money arising therefor shall be appropriated to common school purposes;" which amendment to the amendment was rejected.

The question was then taken on the amendment offered by Mr. Trott, and determined in the negative, yeas 17, nays 45.

The yeas and nays, No 306, being called for by Mr. Trott, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Black, Bobo, Cleaveland, Cross of Sullivan, Crouch, Pearling, Hord, Huddleston, Hughes, M Ginnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Trott, Wann, and Mr. Speaker Baringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cherry, Coggin, Cross of Madison, Crudup, Duggan, Eubank, Faquharson, Fisher, Garner, Goode, Gordon, Hamilton,

Hodsdon, Houston, Humphreys, Kinney, Lenoir, Maury, Morris, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Wyley.

So said amendment was rejected.

The question was then taken on the amendment offered by Mr. Gordon in lieu of the whole resolution, and was determined in the affirmative, yeas 35, nays 29.

The ayes and nays, No. 307, being called for by Mr. Gordon, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Black, Boddie, Bond, Bone, Brooks, Cherry, Cross of Sullivan, Eubank, Farquharson, Fisher, Garner, Gordon, Hoid, Houston, Huddleston, Hughes, Kinney, McGinnis, Maury, Miller of Marshall, Milligan, Moorman, Nave, Polk, Richardson, Trimble, Trott, Turner, Turney, Walker of Hickman, Waan, Wheeler, William, Wyley, and Mr. Speaker Brittinger.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bono, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Dearing, Duggan, Goode, Hamilton, Hodsdon, Humphreys, Lenoir, Moores, Morris, Morrow, Rawlings, Roach, Rodgers, Sherrill, Smart, Tyler, and Walker of Williamson.

So said amendment was adopted.

Said resolution as amended was then adopted.

The House took up the following bills:

A bill, No. 176, incorporating the town of Eaton, in the county of Gibson, and for amending the act incorporating the town of Gallatin in the county of Sumner.

A bill, No. 184, to authorise Julian F. Scott to open and keep up a turnpike road.

A bill, No. 185, to amend the laws to improve the navigation of the rivers in the Western District.

A bill, No. 189, to incorporate the Philomathesian Society of Memphis.

A bill No. 193, to relieve the militia in the 7th and 8th civil districts in Polk county, from attending battalion and regimental musters.

A bill No. 204, to amend the charter of the Nashville and Charlotte turnpike company.

A bill No. 205, to repeal an act passed the 3d day of December, 1839, chap. 14, and for other purposes.

A bill, No. 208, to form a new regiment in the county of Rutherford.

A bill, No. 210, to authorise Alexander H. Montgomery and Robert Qualls to open a turnpike road.

A bill, No. 214, to amend an act entitled "an act to extend Rhea Academy in the town of Greeneville, and for other purposes," passed February 3d 1842.

A bill, No. 213, to amend the act of 1842, chap. 34, accepting the agency created by the act of Congress, of the 18th day of February, 1842, in relation to the unappropriated lands South and West of the Congressional reservation line.

A bill, No. 226, to incorporate the Memphis Lyceum.

A bill, No. 228, to remedy the evils occasioned by the destruction of the Register's books in Perry county.

A bill, No. 252, to repeal an act to amend an act incorporating Union Seminary, in Maury county, passed February 5th, 1842; and

A bill, No. 203, to incorporate the Denmark Male Academy, in the county of Madison; which bills were severally read a third time and passed, and were ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 203, to authorise the county court of Sullivan county to lay a tax for working the public roads in said county.

Mr. Cross of Sullivan offered an amendment in lieu of the whole bill from the enacting clause; which amendment was adopted.

Said bill as amended was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill No. 215, to extend the corporate limits of the town of Waynesboro', in the county of Wayne, and to authorise the circuit court of White county to define the corporate limits of Sparta.

Mr. Black offered an amendment constituting an additional section, which provides for the incorporation of Unionville, in the county of Bedford; which was adopted.

Said bill as amended was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The caption of the bill was then amended.

Mr. Boddie asked and obtained leave to withdraw for amendment a bill, No. 221, to extend the charter of the Red river turnpike company.

The House then adjourned.

WEDNESDAY, JANUARY 10th, 1844.

The hour of the meeting of the House having arrived, and the Speaker in the chair,

Mr. Hodsden moved a call of the House, which was agreed to: and on calling the roll, the following members were in attendance and answered to their names, to wit:

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Bond, Bone, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crutch, Deavenport, Deating, Farquhaison, Fisher, Garner, Goode, Gordon, Hodsden, Hord, Horston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moors, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott, Smart, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wyley, Williams, and Mr. Speaker Baringer.

Further proceedings in the call of the House was then dispensed with.

Mr. Bobo presented a petition No. 103, from sundry citizens of Coffee county, praying for the establishment of a chancery court of Mableton in said county; which was read and laid on the table.

Mr. Bobo introduced a bill, No. 323, to establish a chancery court at Manchester, in the county of Coffee; which was read a first time and passed.

Mr. Maury, from the Committee on Enrolled Bills reported that the committee had examined the following bills:

A bill, No. 166, to prevent the sacrifice of property, sold at execution sale.

A bill, No. 177, to furnish other States with the reports of the supreme court.

A bill, No. 116, incorporating the town of Eaton, in the county of Gibson, and for amending the act incorporating the town of Gallatin, in Sumner county.

A bill, No. 189, to amend the laws to improve the navigation of the rivers in the Western District.

A bill, No. 189, to incorporate the Philomathesian society of Memphis.

A bill, No. 215, to extend the corporate limits of the town of Waynesboro', in the county of Wayne, to authorise the circuit court of White county, to define the corporate limits of the town of Sparta, in the county of White.

A bill, No. 220, to incorporate the Memphis Lyceum; and

A resolution, No. 172, directory to the Secretary of State; and found the same correctly engrossed.

Ordered that the clerk transmit the same to the Senate

Ordered that the clerk transmit the following bills to the Senate, without engrossing, to wit:

A bill, No. 172, to amend the revenue laws of this State, in relation to tax sales.

A bill, No. 203, to authorise the county court of Sullivan county, to lay a tax for working the public roads in said county.

A bill, No. 206, to incorporate the Denmark male academy, in the county of Madison.

A bill, No. 252, to repeal an act incorporating Union Seminary, in Maury county, passed Feb. 5th, 1842.

A bill, No. 228, to remedy the evils occasioned by the destruction of the Register's Books, in Perry county.

A bill, No. 213, to amend the act of 1842, chap. 34, accepting the agency created by the act of Congress, passed 18th day of February, 1842, in relation to the vacant and unappropriated lands south and west of the congressional reservation line.

A bill, No. 208, to form a new regiment in Rutherford county.

A bill, No. 193, to relieve the militia in the 7th and 8th civil districts in Polk county, from attending battalion and regimental musters.

A bill, No. 234, to authorise Julian F. Scott to open and keep a turnpike road.

A bill, No. 204, to amend the charter of the Nashville and Charlotte turnpike company.

A bill, No. 205, to repeal an act passed the second day of December, 1839, chapter 14.

A bill, No. 210, to authorise Alexander H. Montgomery and Robert Qualls to open a turnpike road.

A bill, No. 214, to amend an act entitled, "an act to extend the ~~Rites~~ Academy in the town of Greeneville, and for other purposes," passed February 3d, 1842.

Mr. Smart, from the Committee on the Lunatic Asylum, to which had been referred, "a bill, No. 289, to change and render more sufficient the management of the Lunatic Asylum," reported that the committee had had the same under consideration and had instructed him to report sundry amendments thereto, and with said amendments to recommend the passage thereof.

The amendments reported by the committee are as follows: In the second section strike out all after the word "enacted" in the 14th line, to the word "dollars" in the 22d line, and insert the following—"That it shall be the duty of the General Assembly of the State of Tennessee, at each regular session, to proceed by joint ballot of the two Houses assembled in convention, to elect a competent Physician for the next succeeding two years, who has a wife, who together shall reside in the asylum building, and perform all the duties of superintendent and matron in addition to those of Physician, and for their services as Physician and matron, shall receive annually the sum of \$1400."

Strike out of the sixth section all after the words "patient" in the 19th line; which several amendments were adopted.

Ordered that said bill be placed on the calender amongst bills on their third reading.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred the following bills, to wit:

1. A Bill from the Senate, No. 205, to incorporate the Antioch Turnpike Company, and a bill No. 322, to declare Nolachucky River navigable from Elijah Embrees's to the Seven Islands. Reported that the Committee had had the same under consideration, and have instructed him to report the same, without amendment, and recommended the passage thereof:

Said Senate's bill, No. 205, was then read a first time, and passed.

Ordered that said bills be placed on the calendar amongst the bills on their second reading.

Mr. Farquharson submitted the following resolution, No. 180:

Whereas, the General Assembly of Tennessee, has now been in session nearly four months without making any adequate provision for the payment of the interest on the State debt; and whereas, it is a standing order of this General Assembly, that both Houses will adjourn on the sixteenth day of the present month, thus leaving but six days to mature and perfect measures, indispensable to the honor and credit of the State; therefore,

Resolved, That this House will take up, and consider such bills only, as have for their object the raising of revenue to preserve the honor and credit of the State; and in order that all such measures and bills may be tried upon their merits, within the time proscribed for the adjournment,

Resolved, That Senate's bills on their first reading, of a revenue character, be first taken up; Secondly, Senate's bills of the same character on their second reading; Thirdly, House bills of the same character, on their second reading; Fourthly, House and Senate's bills for revenue, on their third reading indiscriminately.

Which resolution was read.

Mr. Farquharson moved to suspend the rules of the House requiring resolutions to lie one day on the table; which motion was withdrawn, and said resolution laid on the table.

On motion of Mr. Richardson,

The House took up a resolution, No. 179, regulating the order of business as to the action of the House on bills, submitted by himself on yesterday.

Mr. Farquharson then moved, the resolution offered by himself, on this morning, in lieu of read-resolution, No. 179.

Mr. Trimble moved, the previous question; which was not seconded by the House.

Mr. Farquarson then moved to lay said resolution and substitute on the table; which motion prevailing, they were ordered to the table.

On motion of Mr. Moores,

Ordered that 1500 copies of the report of the Geologist Assayer and Mineralogist of this State be printed for the use of this House.

On motion of Mr. Polk, the House took up a motion made by him on 6th instant to reconsider the vote of the House on the passage of a bill No. 201, to amend an act entitled an act to establish a State Bank, to raise a fund for Internal Improvements, to aid in the establishment of a system of education and an act supplemental thereto.

And the question being taken on agreeing to said motion to reconsider said vote, it was determined in the negative, yeas 36, nays 6.

The yeas and noes No. 309, being called for by Mr. Polk and ordered by the House

Those who voted in the affirmative are,

Messrs. Anderson, Black, Brooks, Cherry, Coggin, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, M'Ginnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Waun, and Wiley,

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cleveland, Cross of Madison, Cradup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Lenoir, Marr, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

Mr. Cross of Madison introduced a bill No. 324 to regulate marriages, to define the duties of the County Court Clerk in issuing marriage license and for other purposes, which was a first time and passed.

Mr. Smart submitted the following resolution No. 181:

Resolved, That the House of Representatives will proceed to the consideration of the bills making provisions for the better management of the Lunatic Asylum, and making appropriations for the support of said institution, on Thursday the 11th instant.

Which was read and laid on the table.

Mr. Sherrill, who had withdrawn for amendment

A bill from the Senate No. 8, to abolish the office of Superintendent of Public Instruction, returned the same with an amendment constituting the third and fourth sections of the bill, which provides that the Superintendent of Public Instruction shall deliver to the comptroller all the books and papers pertaining to said office, and the comptroller to issue his warrant to said superintendent for what may be due him as salary, reporting the law requiring the superintendent to enter into bond, and requiring the comptroller to enter into bond, &c.

Which amendment was adopted.

On motion of Mr. Rodgers,

Ordered that said bill be referred to the Committee on Finance with specific instructions.

On motion of Mr. Cleveland, the House took up

A bill from the Senate, No. 195, to amend an act passed the 12th day of November, 1842, and appointing commissioners for the improvement of Clinch river.

Ordered that said bill be referred to the Committee on Internal Improvements.

Mr. Goode submitted the following resolution, No. 182:

Whereas the comptroller of the treasury in his report to this General Assembly of the expenditures of the State for the last two years, has reported the expenditures of the Lunatic Hospital at \$12,393 61

And whereas, on the 15th day of January, 1841, an act passed making appropriations to various individuals to the amount of \$2,946 25, without interest, interest having to be added by the comptroller, as in said act directed, on account of debts against said Hospital.

And whereas, by the first section of an act passed Feb. 5, 1842, an appropriation \$6,000 was made for said Hospital intended to cover all the expenses of the same, making in all \$8,946 28cts.—Therefore,

Resolved, That the comptroller of the treasury report as early as practicable to this House the various items in said aggregate of \$12,393 61, with their dates respectively.

Which was read and the 59th rule being suspended said resolution was adopted.

Mr. Bond moved to suspend the rule in relation to the order of business before the House so as to take up

A bill from the Senate No. 188, to preserve the faith and credit of the State, to raise revenue, and to preclude the necessity of reducing the amount distributed annually under the existing laws for the support of common schools.

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 32, nays 36.

The yeas and noes, No. 310, being called for by Mr. Bond, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bond, Bone, Burns, Carson, Cross of Madison, Crudup, Goode, Hamilton, Hodde, Lenoir, Maury, Moore, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Trott, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Brooks, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Nave, Polk, Scrill, Smart, Turner, Turvey, and Wann.

So the House refused to suspend the rule of order.

Mr. Boddie, who had withdrawn for a moment a bill No. 224, to extend the charter of the Red river turnpike company, returned the same with an amendment constituting the 4th, 5th, and 6th sections to the bill which provides for the charter of the Gallatin and Cumberland turnpike company; which amendment was adopted.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: I am directed to request that there be retransmitted to the Senate a bill, No. to establish a chancery court at Harrison, in the county of Hamilton, at Smithville, in the county of DeKalb.

The House took up a bill, No. 180, to amend the law in relation to navigable streams, and for other purposes; said bill was then read a third time,

And the question being taken, "shall the bill pass," it was determined in the negative; yeas 32, nays 34.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bebo, Bone, Burris, Cason, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Edwards, Glenn, Gordon, Hamilton, Hord, Huddleston, Kinney, Miller of Marshall, Milligan, Moorman, Nave, Roach, Rodgers, Richardson, Sherrill, Trice, Trimble, Trott, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Boddie, Cherry, Cleaveland, Coggin, Cradup, Deavenport, Eubank, Farquharson, Fisher, Garner, Goode, Gooch, Hodges, Hodson, Housen, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Miller of Hargeman, Moores, Morris, Morrow, Polk, Rawlings, Smart, Turney, Wann, and Wheeler.

So said bill was rejected.

Mr. Cherry moved a re-consideration of the vote just taken rejecting said bill, which motion was agreed to by the House.

Mr. Goode moved to amend said bill by striking out "one hundred" and inserting in lieu thereof "twenty-five," and also strike out "less" and insert "more" in the first section of the bill; which amendments were severally adopted.

Mr. Lenoir moved to insert after the word "heretofore" in the fourteenth line, 6th section, first the following words "or hereafter to be"

Mr. Goode offered the following proviso to the first section of the bill:

"Provided nothing in this act shall apply to dams or traps above the points of such streams used for navigation in the export of produce, or to any mill dams erected, or to be erected under the authority of law;" which amendment was adopted.

Mr. Hodson offered an amendment in lieu of the whole bill from the exacting clause.

Mr. Brooks moved to amend the original bill by striking out "improvement" in the first section of the bill.

Mr. Gordon then moved the previous question, which being so ordered by a majority of all the members present,

The question was then taken, "shall the bill pass?" which was determined in the affirmative.

The main question was then taken, "shall the bill pass?" and was determined in the negative, yeas 35, nays 34.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bobo, Bone, Burrus, Carson, Cherry, Cross of Sullivan, Crouch, Fisher, Gordon, Hamilton, Hodsdon, Hord, Huddleston, Jourdan, Kinney, Lauderdale, Miller of Marshall, Milligan, Moorman, Nave, Polk, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Boddie, Bond, Brooks, Cleaveland, Coggin, Cross of Madison, Crudup, Deavesport, Edwards, Eubank, Farquharson, Garner, Goodall, Goode, Houston, Hughes, Lenoir, McGinnis, Marr, Manry, Miller of Hardeman, Moores, Morris, Morrow, Rawlings, Scott, Trimble, Trott, Turney, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Maury, from the Committee on Enrolled Bills, reported as truly enrolled, "A resolution, No. 118, directory to the Comptrolle of the Treasury; and

An act to authorise Samuel M. Atkinson, of Davidson county, and David D. McFalls, of Maury county, to open a Turnpike road.

The Speaker of this House thereupon signed said enrolled resolution and bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Maury, from the same committee, reported as correctly engrossed the following bills:

A bill, No. 224, to extend the charter of the Red River turnpike company, to charter the Gallatin and Cumberland turnpike company; and

A bill, No. 301, to amend an act entitled, "An act to establish a State Bank, to raise a fund for Internal Improvements, and to aid in the establishment of a system of Education, and an act supplemental thereto.

Ordered that the clerk transmit the same to the Senate.

The House took up "A bill, No. 181, further to amend the redemption laws."

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 34, nays 36.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Cross of Madison, Crudup, Fisher, Goode, Hamilton, Hodsdon, Huddleston, Hughes, Humphreys, Jourdan, Lenoir, Marr, Miller of Hardeman, Morris, Morrow, Rawlings, Rodgers, Scott, Sherrill, Smart, Trice, Trimble; Tyler, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Boddie, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Garner, Goodall, Gordon, Hamilton, Hord, Houston, Kinney, Lauderdale, McGinnis, Maury, Miller of Marshall, Milligan, Moores, Moorman, Nave, Polk, Richardson, Roach, Trott, Turney, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley.

So said bill was rejected.

The House took up "A bill, No. 182, to authorise the courts of law and equity, to invest money in litigation in the bonds of this State."

Said bill was read a third time,

The question being taken "shall the bill pass?" it was determined in the affirmative, yeas 48, nays 23.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cleaveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Farquharson, Fisher, Goode, Gordon, Hodsdon, Houston, Hughes, Humphreys, Jourdan, Lenoir, Marr, Miller of Hardeiman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trimble, Turner, Turney, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Cherry, Cross of Sullivan, Edwards, Eubank, Garner, Goodall, Hamilton, Hord, Huddleston, Kinney, Lauderdale, McGinnis, Maury, Morrow, Polk, Roach, Trice, Trott, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said bill passed on its third and last reading in this house, and was ordered to be engrossed and transmitted to the Senate.

The House took up "A bill, No. 183, to abolish the office of Inspectors of the Penitentiary," and for other purposes.

On motion of Mr. Bond,

Said bill was laid on the table.

The House took up "A bill, No. 186, to prevent groundless, frivolous malicious prosecutions by taxing prosecutors with the costs in certain cases."

Mr. Farquharson moved to amend said bill by adding at the end of said bill, "at the discretion of the tribunal."

Said bill, as amended, was then read a third time,

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 13, nays 57.

Those who voted in the affirmative are,

Messrs. Bledsoe, Brooks, Carson, Cleaveland, Coggin, Cross of Madison, Duggan, Goodall, Hodsdon, Humphreys, Jourdan, Morrow, Rawlings, Turner, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Bond, Bone, Burrus, Cherry, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Harde-

man, Moores, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill, No. 188, to secure timber from destruction and depredation; said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the negative, ayes 34, nays 39.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Bone, Brooks, Burrus, Carson, Cherry, Farquharson, Goodall, Hodsden, Lord, Hughes, Kinney, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moorman, Morrow, Nave, Polk, Rawlings, Smart, Trice, Trimble, Turner, Turney, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bond, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Houston, Huddleston, Humphreys, Jourdan, Lauderdale, Marr, Maury, Miller of Marshall, Moores, Morris, Richardson, Roach, Rodgers, Scott, Sherrill, Trott, Tyler, Walker of Hickman, Wann, Wheeler, and Williams.

So said bill was rejected.

Mr. Morrow moved a reconsideration of the vote just taken rejecting said bill; which motion was disagreed to by the House.

The House took up a bill, No. 192, to prevent the Bank of Tennessee and Branches from calling in more than ten per cent. on the renewal of notes; said bill was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the negative, yeas 18, nays 54.

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Brooks, Cleaveland, Coggin, Duggan, Eubank, Goodall, Hughes, Humphreys, Miller of Marshall, Morris, Morrow, Nave, Rodgers, Sherrill, Trott, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bobo, Boddie, Bond, Burrus, Carson, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Dearing, Edwards, Farquharson, Fisher, Garner, Glenn, Gordon, Goode, Hamilton, Hodsden, Lord, Houston, Huddleston, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Polk, Rawlings, Richardson, Roach, Scott, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley.

So said bill was rejected.

The House took up a bill, No. 194, to exempt the different counties of this State from the payment of costs in certain cases.

Mr. Rodgers offered the following amendment as an additional section.

Sec. 3. Be it enacted, That all executions founded on judgments ren-

dered by the circuit courts of this State for fees and costs, shall be stayed one term, when security shall be given to said court for the same; which amendment was adopted.

Mr. Humphreys moved to strike out in the 4th line of the second section "ten" and insert "five;" Which motion to strike out was rejected.

Said bill as amended was then read a third time, and the question being taken, "shall the bill pass?" it was determined in the negative, yeas 34, nays 36.

Those who voted in the affirmative are,

Messrs. Boddie, Brooks, Carson, Cleveland, Coggin, Cross of Madison, Crudup, Deavenport, Duggan, Farquharson, Goodall, Goode, Hamilton, Hord, Houston, Huddleston, Humphreys, Kinney, Lenoir, Miller of Marshall, Moores, Morrow, Nave, Rawlings, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Turley, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsee, Bobo, Bond, Bone, Burrus, Cherry, Cross of Sullivan, Crouch, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hodsdon, Hughes, Jourdan, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Morris, Polk, Richardson, Roach, Scott, Trimble, Tyler, Walker of Hickman, Wann, and Wyley.

So said bill was rejected.

Mr. Marr moved that the vote just taken rejecting said bill be reconsidered, which being agreed to by the House;

Mr. Rodgers asked and obtained leave to withdraw the same for amendment.

The House took a bill, No. 196, for the redemption of personal property; said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the negative, yeas 23, nays 38.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsee, Bobo, Boddie, Bone, Brooks, Burrus, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Duggin, Farquharson, Goodall, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Miller of Marshall, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Trott, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Carson, Cherry, Cross of Sullivan, Edwards, Eubank, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsdon, Hord, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moores, Morris, Polk, Richardson, Scott, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, and Wyley.

So said bill was rejected.

Mr. Edwards moved a reconsideration of the vote just taken rejecting said bill; which motion was disagreed to by the House; So the House refused to reconsider said vote.

The House took up a bill No. 197, to prescribe the duties of Chancellor and Judges in certain cases.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the negative, yeas 23, nays 44.

Those who voted in the affirmative are,

Messrs. Anderson, Bond, Bone, Brooks, Cherry, Cross of Sullivan, Deavenport, Duggan, Farquharson, Fisher, Garner, Goodall, Hord, Huddleston, Hughes, Kinney, Lauderdale, Marr, Milligan, Nave, Polk, Sherrill, Smart, Trott, Turner, and Turney.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Edwards, Eubank, Glenn, Goode, Gordon, Hamilton, Hodsdon, Houston, Humphreys, Lenoir, McGinnis, Maury, Miller of Marshall, Miller of Hardeman, Moores, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill, No. 298, to prevent grand jurors from being unnecessarily detained to the injury and expense of the several counties in this State; said bill was then read a third time,

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 36 nays 34.

Those who voted in the affirmative are,

Messrs. Anderson, Carson, Coggin, Cross of Sullivan, Crouch, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Goodall, Gordon, Hamilton, Hord, Houston, Huddleston, Kinney, Lauderdale, McGinnis, Milligan, Morris, Morrow, Nave, Polk, Rodgers, Sherrill, Smart, Trott, Turner, Turney, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Bond, Brooks, Burrus, Cherry, Cleveland, Cross of Madison, Crudup, Edwards, Glenn, Goode, Hodsdon, Humphreys, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Moores, Rawlings, Richardson, Roach, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wheeler and Williams.

So said bill passed on its third and last reading in this House and ordered to be engrossed and transmitted to the Senate.

Mr. Duggan moved to suspend the rule of the House as to the order of business, so as to enable the House to take up a resolution, submitted by him on the 9th inst. proposing to hold night sessions; which motion was disagreed to by the House.

The House then adjourned.

THURSDAY, 11th JANUARY, 1844.

The House met pursuant to adjournment.

Mr. Hodsdon presented a petition, No. 196, of David Vance and others, of Blount county, praying the Legislature to grant certain emancipated slaves to remain in this State; which was read and referred to the Committee on the Judiciary.

Mr. Cross of Madison presented a petition, 197, from the members of the Bar of Madison county, protesting against the removal of the chancery court from Huntingdon to Brownsville; which was read and laid on the table.

Mr. Miller of Hardeman presented the settlement of the county court of Hardeman county with the trustees of the male academy of Hardeman county.

Mr. Trice presented the settlement of the county court clerk of McNairy county with the trustees of the male and female academies of said county; which reports were ordered to be deposited in the office of the Comptroller of the Treasury.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed without amendment, the following bills from the House:

A bill, No. 189, granting a longer time of four years to the LaGrange and Memphis railroad company to complete their road.

A bill, No. 157, to alter the line between Bedford and Rutland counties; and

A bill, No. 160, to secure more effectually the payment of the tax on capital used in shaving notes; which bills are herewith transmitted.

The Senate have taken up and considered:

A memorial, No. 193, of the Legislature of Tennessee to the Congress of the United States; in which memorial the Senate concur and the same is herewith transmitted.

The Senate have read a third time and passed with sundry amendments thereto the following bills from the House:

A bill, No. 28 to authorize the sale of common school lands in the State of Tennessee, at the wish of the citizens of the townships where said lands may be situated.

A bill, No. 58 to continue the encouragement of the culture of silk in the State of Tennessee.

A bill, number 110, to correct mistakes in entering lands in the Ocoee district, and for other purposes.

A bill, number 143, to amend an act entitled, "an act to prevent indictments and presentments in certain cases;" and

A bill, number 151, to amend the laws of this State in relation to costs of suits; which bills and amendments are herewith transmitted and the concurrence of the House in said amendments is requested.

The Senate have read a third time and passed the following bills:

A bill, number 203, to regulate the practice in the supreme court at Nashville.

A bill, number 208, for the relief of sheriffs.

A bill, number 209, incorporating the Tennessee manufacturing company; and

A bill, number 217, to authorize Thomas Mabry, of Warren county, to open a turnpike road; which bills are herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed an enrolled bill of the Senate entitled:

An act to establish the county of Hancock, in honor of John Hancock,

one of the patriots of the revolution; which enrolled bill is herewith transmitted for the signature of the Speaker of the House of Representatives.

I am directed to request the retransmission of a resolution to the Senate providing for a revision and digest of the general statutes of the State

The Speaker of the Senate has signed the following enrolled bills from the House, to-wit:

An act to authorise the Comptroller of the Treasury to make allowances to Sheriffs who may, by the direction of any court, summons more than two persons to guard prisoners.

An act to authorise Samuel W. Atkinson, of Davidson county, and David D. McFalls, of Maury county, to open a turnpike road.

An act to amend the charter of the Jefferson turnpike company; and

A resolution directory to the Comptroller of the Treasury.

Ordered that the clerk deposit the same in the office of the Secretary State.

Mr. Maury, from the Committee on Enrolled Bills, reported as correctly engrossed the following bills:

A bill number 103, to give justices of the peace jurisdiction of the trial of misdemeanors.

A bill, number 180, to amend the law in relation to navigable streams and for other purposes; and

A bill, number 199, to prevent grand jurors from being unnecessarily detained to the injury and expense of the several counties in this State.

Ordered that the clerk transmit the same to the Senate.

Mr. Maury, from the same committee, reported as truly enrolled the following resolution:

A resolution directory to to the superintendent of public instruction.

Mr. Boddie, from the Committee on Finance, to which had been referred, a bill from the Senate, number 8, to abolish the office of superintendent of public instruction, reported that the committee had had the same under consideration, and had instructed him to report an amendment in lieu of the whole bill from the enacting clause, and with said amendment to recommend the passage thereof.

Mr. Bond moved to amend the amendment by adding additional sections, which provides that the Governor, Attorney General, Secretary of State, Comptroller of the Treasury, and Treasurer, be a body corporate and politic, by the name of the President and Directors of the common school fund for the management of said fund, and further increase the amount of the common school fund by adding to it one half of the surplus revenue deposited with this State by the United States, being \$676,608 79, and for the investment of said fund in the stock of this State or the United States.

And the question being taken on said amendment, it was determined in the negative, yeas 18, nays 52.

The ayes and nays being called for by Mr. Farquharson and ordered by the House,

Those who voted in the affirmative are,

messrs Alexander, Avery, Bond, Cheatham, Crudup, Goode, Ham-

lton, Hodsdon, Jourdan, Miller of Harleman, Moores, Morris, Nave, Rawlings, Roach, Trimble, Tyler, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Burrus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubanks, Farquharson, Fisher, Garner, Goodall, Gordon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Morrow, Polk, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

The amendment offered by the committee was then adopted.

Said bill as amended was then read a third time, and the question was then taken, "shall the bill pass?" it was determined in the affirmative, yeas 70, nays 1.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Gode, Gordon, Hamilton, Hodsdon, Hord, Houston, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Harleman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Mr. Walker of Williamson voting in the negative.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Harleman, from the Committee on the Judiciary, to which had been referred a bill, No. 318, more effectually to provide against the defalcations of the public officers of the State, reported said bill with an amendment to the 2d section of the bill, and with said amendment to recommend the passage thereof; which amendment is as follows: "otherwise than by allowing such defaulter or delinquent credit on the amount of such delinquencies for such sum or sums as may at any time be due and owing from the Treasury from such delinquent;" which amendment was adopted.

Said bill as amended was then read a second time and passed.

Mr. Miller of Harleman, from same committee, to which had been referred, a bill, No. 321, to amend the act of 1803, chapter 9, entitled an act to prevent malicious mischief, reported said bill without amendment and recommended the rejection of the same.

Said bill was then read a second time and rejected.

Mr. Miller of Harleman, from same committee, to which had been referred the following petitions:

A petition, No. 97, from sundry citizens of Fentress county praying the establishment of a separate county court;

A petition, No 153, from sundry citizens of Wayne and Fentress counties, praying the Legislature to authorize A. D. Voorhies to peddle clocks without license; and

A petition, No. 183, from sundry citizens of Memphis, praying an appropriation for the funeral expenses of paupers at Memphis, reported that the committee had had the same under consideration and had instructed him to report against the prayer of the several petitions and ask to be discharged from the further consideration thereof; in which report the House concurred and said petitions were ordered to the table.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred a bill from the Senate, No. 195, to amend an act passed the 12th day of November, 1842, and appointing commissioners for the improvement of Clinch river, reported said bill without amendment and recommended the passage thereof.

Said bill was then read a first time and passed.

Mr. Wheeler asked and obtained leave to withdraw said bill for amendment.

Mr. Tyler, from the select committee, to which had been referred a resolution, No. 168, proposing the appointment of a select committee to investigate a charge against the Representative from McNairy county, published in the Jonesboro' Whig, made the following report: That the committee to whom was referred a resolution, No. 168, report that the difficulty between the members from McNairy and Blount counties had been adjusted in a manner satisfactory and in the unanimous opinion of the committee honorable to both.

JONIN D. TYLER, *Chairman.*

Which report was read and received and was ordered to be entered on the journal of this House.

A memorial from the Senate of the General Assembly of the State of Tennessee, to the Honorable the Congress of the United States relating to a depot, proposing its establishment at the city of Memphis, in the State of Tennessee, reported that the committee had had the same under consideration and had instructed him to report said memorial without amendment and recommend its adoption.

Said memorial was then read and unanimously adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers, who had withdrawn for amendment, a bill, No. 194, to exempt the different counties in this State from the payment of cost in certain cases, returned the same with an amendment in lieu of the whole bill from the enacting clause; which amendment was adopted.

Ordered that said bill be placed on the calendar amongst bills on their third readings.

Mr. Boddie submitted the following resolution, No. 182:

Resolved by the General Assembly of the State of Tennessee, That the Bank reports filed in the office of the Secretary of State shall be subject to the inspection of any persons who may desire to examine them and it shall be the duty of the Secretary to furnish certified copies of such portions of said reports as may be applied for on the receipt of the usual office fees for similar service.

Mr. Gordon submitted the following resolution No. 183:

Resolved by the General Assembly of the State of Tennessee, That the superintendents of the Penitentiary be and they are hereby required to cause the road from the prison to Line Street, in the city of Nashville, to be well paved by the labor of the convicts, as soon as the same can be done without inconvenience to the interest of the institution.

Which several resolutions were read and laid on the table.

Mr. Farquaharson submitted the following resolution, No 184:

Resolved, That the Committee on Education and Common Schools be and they are hereby directed forthwith to examine the superintendent of public instruction and the books and papers in his office, to ascertain and report to the General Assembly the facts set forth and directed to said officer, in a resolution No. 87, adopted by the General Assembly, a copy of which was transmitted to him on the 6th day of November, 1843.

Which resolution was read, and the 59th rule of the House being suspended and the same was adopted.

Mr. Brooks who had withdrawn for amendment A bill No. 127, to define the eastern boundary line of Putnam county, returned the same with an amendment constituting the second section of the bill.

Ordered that said bill be placed on the calendar amongst bills on their third reading.

On motion of Mr. Maury the House took up a resolution, 176, directory to the Secretary of State, in relation to the safe keeping of the duplicates of certain State Bonds

Which was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Bobo the House took up the following bills:

A bill No. 312, to amend the charter of the Pelham and Jasper Turnpike company; and

A bill No. 319, to incorporate a manufacturing company, at Manchester, in Coffee county.

Which bills were severally read a second time and passed.

Mr. Polk moved that the House take up a resolution No. 144. instructing our Senators in Congress to use their best exertions to have justice done Andrew Jackson by refusing to him the fine of one thousand dollars imposed on him by Judge Hall in 1815.

And the question being taken on agreeing to said motion, it was determined in the affirmative—Yeas 38, Nays 31.

The ayes and nays, No 342, being called for by Mr Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Boddie, Bond, Bone, cherry, coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubark, Farquaharson, Fisher, Garner, Glenn Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Polk, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsee Brooks, Burrus, carson, cheatam, cleaveland, cross of Madison, Duggan, Goodall, Goode, Hanfils

ton, Hodsdon, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Tyler, Walker of Williamson, Wheeler, Williams, and Speaker Barringer.

Mr. Bond moved a reconsideration of the vote just taken.

Mr. Bond moved a call of the House.

And the question being taken on agreeing to said motion, it was determined in the affirmative—Yeas 37, Nays 33.

The ayes and nays, No. 325, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bond, Bone, Brooks, Burrus, Carson, Cherry, Cheatham, Cleaveland, Coggin, Cross of Madison, Duggan, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moore, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Tyler, Walker of Williamson, Wheeler, Williams, and Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Goodall, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So a call of the House was ordered—and on calling the roll the following members were present and answered to their names:

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

On motion the further call of the House was dispensed with.

The question was then taken on said motion of Mr. Bond to reconsider the vote of the House on taking up resolution No. 144, and was determined in the affirmative—Yeas 37, Nays 35.

The ayes and nays, No. 327, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan,

Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, M. Ginnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smartt, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So the House agreed to reconsider said vote.

The question was then again taken on taking up said resolution as moved by Mr. Polk and was determined in the affirmative—Yeas 44, Nays 31.

The ayes and noes No. 328, being called for by Mr. Polk and ordered by the House.

Those who voted in the affirmative are :

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Pone, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kenney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Richardson, Roach, Rodgers, Scott, Smartt, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wyley, and Speaker Barringer.

Those who voted in the negative are:

Messrs. Bledsoe, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudun, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, Williams.

So the House agreed to reconsider said resolution.

Mr. Polk then moved the previous question, which was not seconded by the House.

Mr. Maury offered the following in lieu of said resolution No. 144, to the last resolution:

Whereas, a fine was imposed at the close of the late war upon General Andrew Jackson by the then presiding Judge of the district court of the United States, at New Orleans, for an alleged contempt on his part, of the authority of the court; and, whereas, this Legislature are persuaded that the measure which occasioned its imposition, had its origin in a patriotic desire to promote the public service—be it therefore,

Resolved by the General Assembly of the State of Tennessee, That the Senators in Congress from this State be instructed, and the Representatives requested to advocate the passage of a law providing that the sum of one thousand dollars, paid by General Andrew Jackson as a fine imposed on him at New Orleans on the 31st day of March, A. D. one thousand eight hundred and fifteen, be repaid to him together with the interest.

Pending the discussion on said amendment, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of Mr. Maury's amendment, pending when the House adjourned this morning.

Mr. Marr moved to amend said amendment, by inserting after the word was, in the first line of said amendment, the word, wrongfully.

And the question being taken, on agreeing to said motion, it was determined in the negative, yeas 34, nays 38.

The yeas and noes No. 329, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, M'Ginnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Duggan, Goodall, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Boddie then moved to insert the word wrongfully after the word was,

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 00, nays 73.

The yeas and noes No. 330, being called for by Mr. Polk and ordered by the House,

Those who voted in the negative are.

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Coggin, Cross of Sullivan, Cross of Madison, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to insert, as moved by Mr. Boddie.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up, and rejected the following bills from the House:

A bill, No. 130, to amend the act of 1787, chapter 19; and,

A bill, No. 166, to prevent the sacrifice of property sold at execution sale, Which bills are herewith transmitted.

The Senate have read a third time, and passed the following bills, to wit:

A bill, No. 100, to supply the vacancies in grand juries.

A bill, 220, to change the time of holding the circuit courts in Marshall and Maury counties, and for other purposes.

A bill, No. 225, to incorporate Franklin College.

A bill, No. 226, to charter Stone's River Turnpike Company.

A bill, No. 227, to build a bridge across Harpeth river, and for other purposes; and,

A bill, No. 228, to amend the laws in force, on the subject of Divorces.

Which several bills are herewith transmitted, and the concurrence of the House in the passage thereof, is requested.

The Speaker of the Senate has signed an enrolled resolution from the House entitled a resolution, "directory to the superintendent of public instruction; which enrolled resolution is herewith transmitted.

Ordered that the clerk deposite the same in the office of Secretary of State. Pending the discussion on Mr. Maury's amendment, to resolution No. 144; The House adjourned.

NIGHT SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendment offered by Mr. Maury in lieu of the resolution No. 144, offered by Mr. Polk, pending when the House adjourned on this afternoon.

Mr. Roach moved a call of the House; which motion was disagreed to by the House.

The question was then taken on the amendment offered by Mr. Maury in lieu of Mr. Polk's resolution, to the last resolution, and was determined in the affirmative, yeas 38, nays 34.

The ayes nays No. 331, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Duggar, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Buddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquarson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, M'Ginnis, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trout, Turner, Turney, Walker of Hickman, Wann, and Wiley.

So said amendment was adopted.

Mr. Polk moved to amend the last resolution by adding the following: "with instructions to our Senators to use their exertions to have the said fine of one thousand dollars, refunded without *qualification or condition*."

Mr. Maury then moved the previous question; which being seconded by a majority of all the members present, the question was then taken "shall the main be now put?" and determined in the affirmative, yeas 39, nays 34.

The ayes and nays, No. 332, being called for by Mr. Polk and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Buddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquarson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, M'Ginnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Trout, Turner, Turney, Walker of Hickman, Wann, and Wiley.

So it was determined that the main question should be now taken.

The main question was then taken, "shall the Resolution as amended be adopted?" and was determined in the affirmative, yeas 36, nays 29.

The ayes and nays No. 333, being called for by Mr. Farquarson and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Bobo, Buddie, Bond, Bone

Barrus, Carson, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Edwards, Eubank, Farquarson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, M'Ginnis, Maury, Miller of Hardeman, Miller of Marshall, Moores, moorman, Morris, Morrow, Nave, Polk, Richardson, Rodgers, Sherrill, Smart, Trice, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Wiley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Brooks, Cheatham, Cleaveland, Cross of Madison, Deavenport, Duggan, Glenn, Hodsdon, Hord, Jourdan, Marr, Milligan, Rawlings, Roach, Scott, Trimble, Trott, Turner, and Williams.

So said preamble and resolutions were adopted.

Ordered that the clerk acquaint the Senate therewith,

Mr. Miller of Marshall moved a reconsideration of the vote just taken on the adoption of said preamble and resolution.

Mr. Lenoir moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, "shall the main question be now put," and was determined in the affirmative; yeas 39, nays 34.

The yeas and nays, No. 334, being called for by Mr. Polk and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bobo, Black, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquarson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So the House determined that the main question should be now taken.

And the main question was then taken, "will the House reconsider said vote as moved by Mr. Miller of Marshall?" and was determined in the negative.

So the House refused to reconsider said vote.

Mr. Boddie moved that the house take up a bill from the Senate, No. 175, to defray the expenses of the present General Assembly, with a report of the Joint Select Committee on Finance, which is made part of this bill.

And the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 50, nays 22.

The yeas and nays, No. 345, being called for by Mr. Farquarson, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup,

Eubank, Fisher, Garner, Goode, Gordon, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Moores, Moorman, Morris, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trimble, Trott, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Brooks, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Farquharson, Glenn, Goodall, Hord, Houston, Marr, Miller of Marshall, Milligan, Polk, Sherrill, Trice, and Turney.

So the House agreed to consider said bill.

Said bill was then read a first time and passed.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and rejected the following bills from the house:

A bill, No. 103, to give Justices of the Peace jurisdiction of the trial of misdemeanors; and

A bill, No. 182, to authorise the courts of law and equity to invest money in litigation in the bonds of this State; which bills are herewith transmitted.

The Senate have taken up and considered a resolution from the House, No. 170, providing for the revision and digest of the General statutes of the State of Tennessee, in which resolution the Senate concur, with sundry amendments thereto; which resolution and amendments are herewith transmitted, and concurrence of the House therein requested.

The Speaker of this house signed an enrolled bill from the Senate, entitled "an act to establish the county of Hancock in honor of John Hancock, one of the patriots of the Revolution."

Ordered that the clerk acquaint the Senate therewith.

Mr. Trimble submitted the following resolution, No. 185:

Resolved, That after the morning's business is over, it shall be in order to take up revenue bills on their second reading, and these bills shall have precedence over all other business until they are disposed of.

Resolved, That the 58th rule of this House be, and the same is hereby rescinded, and that the following rule be substituted in the place thereof, as the 58th rule; which was read and laid on the table.

Mr. Richardson moved that the House take up resolution, No. 179, regulating the order of business as to the action of the House on bills.

FRIDAY, JANUARY 12th, 1844.

The House met pursuant to adjournment.

Mr. Coggin submitted the following resolution, No. 186:

Resolved by the General Assembly of the State of Tennessee: That the physician or trustees of the Lunatic Asylum are hereby authorised and directed to receive into said hospital Elizabeth Parker, who is an insane pauper of the tenth senatorial district of this State; which was read, and the 59th rule being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow submitted the following resolution, No. 187:

Resolved by the General Assembly of the State of Tennessee, That the joint resolution heretofore adopted by the two Houses of the General Assembly, fixing the day of adjournment on the 16th inst. be, and the same is hereby rescinded; which was read and laid on the table.

Mr. Morrow, from the Committee on Claims, to which had been referred "A petition, No. 191, from James Bradford, and others, securities of Spencer Beavers, praying for Legislative relief," reported that the committee had had the same under consideration, and had instructed him to report that the prayer of the petitioners is reasonable, and ought to be granted; and also to report "a resolution, No. 187, in obedience to the prayer of the petitioners, and recommend its adoption;" which resolution is as follows,

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed to settle the accounts of the late Sheriff of McMinn county, Spencer Beavers, and that whatever amount of money be ascertained to be due him that the same be credited on a judgment, rendered by the circuit court of McMinn county, in favor of the Governor of the State, against Spencer Beavers, former sheriff of McMinn county, and his securities, James T. Bradford, James W. Netherland, and T. Nixon Van Dyke, for the sum of \$979 79, and the further sum of \$16 12½ cents costs of suit; which resolution was read and laid on the table.

Mr. Maury, from the Committee on Enrolled Bills, reported as truly engrossed bills of the following titles:

An act to alter the line between Bedford and Rutherford counties.

An act granting a longer time of four years to the LaGrange and Memphis Railroad company, to complete their road.

An act to secure more effectually the payment of the tax on capital used in shavimg notes; and

A memorial of the Legislature of Tennessee, to the Congress of the United States.

The Speaker thereupon signed said enrolled bills and memorial.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

Mr. Trimble moved that the House take up "A resolution, No. 185, in relation to the order of business, and rescinding the 58th rule of the House."

Mr. Polk moved to lay said motion on the table.

And the question being taken on agreeing to said motion, it was determined in the affirmative—Yeas 38, Nays 35.

The ayes and noes being called for by Mr. Trimble, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Humphreys, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Sherrill, Smart, Trott, Turney, Turner, Wann, Wheeler, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Hodsdon, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Tyler, Walker of Hickman, Walker of Williamson, Williams, and Mr. Speaker Barringer.

So said motion was laid on the table.

The House took up a bill, No. 201, to change the appropriation heretofore made to the Little Tennessee river and to apply the same to the Tellico river, in the county of Monroe.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 34, nays 25.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bone, Cherry, Coggin, Cross of Madison, Deavenport, Duggan, Farquharson, Glenn, Goodall, Gordon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Milligan, Moores, Morrow, Polk, Rawlings, Roach, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Walker of Hickman, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Bond, Carson, Cheatham, Cleveland, Cross of Sullivan, Crouch, Crudup, Duggan, Eubank, Fisher, Garner, Glenn, Hodsdon, Lenoir, McGinnis, Marr, Maury, Morris, Nave, Richardson, Trimble, Turney, Tyler, Wann, Wheeler, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

Mr. Farquharson moved a reconsideration of the vote just taken on said bill.

Mr. Hodsdon then moved a call of the House; which was disagreed to by the House.

The question then recurred on the motion of Mr. Farquharson to reconsider said vote and was disagreed to by the House.

Mr. Hughes moved to amend the bill by striking out the 1st and 2d sections of the bill and inserting the following in lieu thereof: "That out of the sum of three thousand dollars heretofore appropriated to improving the navigation of Little Tennessee river there shall be expended for the improvement of the Tellico river the sum of fifteen hundred dollars, and that William Upton, Isaac Stephens, and Wm. P. H. McDermot be and they are hereby appointed commissioners to superintend the disbursement of the said fifteen hundred dollars on the improvement of the navigation of the Tellico river as provided by this act;" which amendment was agreed to by the House.

The bill as amended was then read a third time, and the question being taken shall the bill pass, it was determined in the affirmative, yeas 33, nays 23.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Cherry, Coggin, Cross of Madison, Deavenport, Farquharson, Goodall, Gordon, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Marshall, Milligan, Moores,

Morrow, Polk, Rawlings, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs: Bobo, Carson, Cheatham, Cleveland, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Fisher, Garner, Hodsdon, Hord, Houston, Huddleston, McGinnis, Marr, Moorman, Morris, Nave, Richardson, Scott, Trimble, Tyler, Wann, and Williams.

So said bill passed on its third and last reading in this house and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 127, to define the eastern boundary line of Putnam county and the amendment offered by Mr. Brooks constituting the 2d section to said bill being under consideration,

Mr. Huddleston moved the previous question, which being seconded by a majority of the House, the question was then taken, shall the main question be now put, which being determined in the affirmative; the main question was then taken, shall the bill pass, and was determined in the affirmative, yeas 39, nays 28.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Burrus, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Morris, Morrow, Rawlings, Rodgers, Scott, Smart, Trimble, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Bledsee, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Crudup, Edwards, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Jourdan, Moores, Nave, Richardson, Roach, Sherrill, Trice, Tyler, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in the House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Miller of Marshall, moved a reconsideration of the vote just taken; which motion was disagreed to by the House.

The House took up a bill, No. 194, to exempt the different counties of this State from the payment of cost in certain cases.

Mr. Carson offered the following amendment to said bill:

Sec. Be it enacted, That in all prosecutions hereafter for misdemeanors where a prosecutor shall be endorsed on the bill of indictment, if the defendant shall be acquitted on the trial by the verdict of a Jury on the merits of the case, the court shall tax prosecutor with the costs of the prosecution; and in prosecutions where defendants shall be convicted, and shall prove insolvent and unable to pay the costs, and in cases where *nolle prosequi* shall be ordered, or where bills of indictment shall be ignored, no part of the costs in any such prosecutions shall be paid out of the county treasury, except for the attendance of such witnesses on behalf of the State as shall be ordered by the county to be so paid.

Sec. Be it enacted, That where more than two witnesses shall be summoned in any case, either by the prosecutor or defendant, to prove any one fact, or if either party shall summon witnesses which they shall not examine

on the trial, the party summoning such witnesses shall uniformly in all such cases, be taxed by the court with the costs of such witnesses.

Pending the discussion on said amendment, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendment offered by Mr. Carson, to bill, No. 194, which was pending when the House adjourned on this morning.

Mr. Coggin moved to strike out the last section of said amendment, which was disagreed to by the House.

And the question being taken on agreeing to said amendment, it was determined in the negative, yeas 26, nays 47.

The ayes and noes, No. 340, being called for by Mr. Trott, and ordered by the House, those who voted in the affirmative are, Messrs. Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Eubank, Goodall, Hodsden, Houston, Humphreys, Jourdan, Kinney, Lenoir, Marr, Maury, Marrow, Nave, Scott, Sherrill, Trott, Tyler Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Crouch, Crudup, Edwards, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Huddleston, Hughes, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Rawlings, Richardson, Roach, Rodgers, Smart, Trice, Trimble, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said amendment was rejected.

Mr. Black moved a reconsideration of the vote just taken rejecting said amendment, which was disagreed to by the House.

Said bill was then read a third time, and the question being taken "shall the bill pass," it was determined in the negative, yeas 31, nays 42.

Those who voted in the affirmative are, Messrs. Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Farquharson, Goodall, Houston, Huddleston, Humphreys, Jourdan, Marr, Morris, Marrow, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Edwards, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Richardson, Roach, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Wheeler who had withdrawn for amendment a bill, No. 195, from the Senate to amend an act passed the 12th day of November, 1844, and appointing commissioners for the improvement of Clinch River, returned the same with an amendment constituting the seventh and eighth sections of the bill, which provides that the money appropriated for the improvement of Powell's River, be applied to the improvement of the road leading from Knoxville by way of Clinton and Jacksborough to Cumberland Gap, and building bridges across Cane Creek and Town Creek, if the commissioners deem it expedient, &c.

Mr. Wiley moved to strike out the sixth section of said bill; which motion was agreed to by the House and said section was stricken out.

The amendment offered by Mr. Wheeler, was then adopted.

Said bill was then read a second time and passed.

Mr. Houston asked and obtained leave to withdraw said bill for amendment.
On motion of Mr. Crouch,

The House took up a bill, No. 322, to declare Nolachucky river navigable, from Elijah Embree's to the Seven Islands; said bill was then read a second time and passed.

Mr. Crouch asked and obtained leave to withdraw the same for amendment.

The House took up a bill, No. 195, to reduce the fees of clerks in settlement made with guardians.

Mr. Walker of Hickman offered the following amendment:

Sec 3. *Be it enacted*, That when any guardian of minor heirs in the State, shall be removed or resign his trust, it shall be the duty of the clerk of the county court, to make settlement with said guardians and record the same under the rules and regulations prescribed in the act, which this is intended, to amend which amendment was adopted.

Said bill as amended was read a third time,

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 51, nays 22.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquarson, Fisher, Goodall, Goode, Hamilton, Hodsden, Houston, Huddleston, Humphreys, Kinney, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moorman, Morrow, Rawlings, Richardson, Roach, Scott, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery Bledsoe, Garner, Glenn, Gordon, Hord, Hughes, Jourdan, Lauderdale, Maury, Miller of Hardeman, Moores, Morris, Nave, Polk, Rodgers, Sherill, Smart, Trice, Walker of Williamson, and Wiley.

So said bill passed on its third and last reading in this House and was ordered to be engrossed transmitted to the Senate.

The House took up a bill, No. 211, to authorise the President and directors of the Planters Bank of Tennessee to declare certain dividends.

On motion, said bill was ordered to the table.

The House took up a bill, No. 216, prohibiting the appointment of executors, administrators and guardians in certain cases; said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in negative, yeas 16, nays 58.

Those who voted in the affirmative are,

Messrs. Alexander, Bond, Carson, Cheatham, Cleveland, Cross of Madison, Duggan, Goode, Hodsden, Humphreys, Kinney, Lenoir, Trice, Trott, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Eubank, Farquarson, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Jourdan, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherill, Smart, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill, No. 207, prescribing the duty judge advocates in certain cases.

Mr Goode offered the following amendment constituting an additional section.

Sec. *Be it enacted*, that the field officers of the several regiments in the county of Giles, are hereby authorised and empowered to lay off said county in four regiments, and for that purpose a meeting of said officers be held before the next regimental musters in said county, which regiment when so laid off, shall constitute the Regiment of Tennessee Militia; which amendment was adopted.

Mr. Gordon moved to strike out the first section of the bill; which motion was disagreed to by the House.

Said bill as amended was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 24, nays 46.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bone, Coggin, Deavenport, Duggan, Fisher, Goode, Hord, Houston, Hughes, Miller of Marshall, Moorman, Morris, Nave, Rawlings, Richardson, Rodgers, Sherrill, Trimble, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Crouch, Crudup, Edwards, Eubank, Farquharson, Garner, Glenn, Goodall, Gordon, Hamilton, Holsden, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Miller of Hardeman, Milligan, Moores, Morrow, Polk, Scott, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, and Wiley.

So said bill was rejected.

Mr. Moores moved a reconsideration of the vote just taken rejecting said bill; which motion was disagreed to by the House.

The House took up a bill, No. 217, to repeal the second and third sections of the act passed January 22, 1837; said bill was then read a third time.

And the question being taken "Shall the bill pass?" it was determined in the negative, yeas 12, nays 59.

Those who voted in the affirmative are,

Messrs. Anderson, Brooks, Carson, Cleveland, Duggan, Holsden, Houston, Huddleston, Hughes, Morris, Nave, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hord, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, Wiley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill, No. 218, to authorise the payment of money to the Louisville, Charleston and Cincinnati rail road company, and to cancel the State Bonds issued to said company.

Said bill was then read a third time.

And the question being taken shall the bill pass, it was determined in the affirmative, yeas 71, nays 2.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trot, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, and Deavenport,

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill No. 219, for the relief of Hugh McAden, constable of Shelby County.

Said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 51 nays 20.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Boddie, Bond, Bone, Burrus, Cheatham, Cherry, Cleveland, Coggin, Crouch, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Polk, Rawlings, Roach, Scott, Sherrill, Smart, Trice, Tyler, Walker of Hickman, Wheeler, Williams, and Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Carson, Cross of Madison, Cross of Sullivan, Duggan, Eubank, Huddleston, McGinnis, Marr, Miller of Hardeman, Morris, Richardson, Rodgers, Trimble, Turner, Turney, Walker of Williamson, Wann, and Wyley.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up

A bill 225, to remove the supreme court of errors and appeals from the middle division of Tennessee to the town of Columbia, in the county of Maury.

Mr. Richardson moved to strike out Columbia wherever it occurs in said bill and to insert in lieu thereof Murfreesborough.

Mr. Polk moved a division of the question.

And the question being taken on striking out Columbia, it was determined in the negative—Yeas 23, Nays 48.

The ayes and nays, No. 348, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bond, Burrus, Cheatham, Cleveland, Goodall, Hamilton, Hodsdon, Lenoir, Maury, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Smart, Trimble, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Arery, Black, Bledsee, Bobo, Boddie, Bone, Brooks, Carson, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goode, Gordon, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Polk, Scott, Sherrill, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, and Wyley.

So the House refused to strike out as moved by Mr. Richardson.

Said bill was then read a third time.

And the question being taken, "shall the bill pass," it was determined in the negative; yeas 30, nays 38.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Bond, Carson, Cross of Sullivan, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, goode, gordon, hughes, Jourdan, Lauderdale, McGinnis, miller of hardeman, miller of marshall, milligan, morris, Nave, Polk, Sherrill, Smart, Trott, Turney, Walker of Hickman, and Wann.

Those who voted in the negative are,

Messrs. Alexander, Averv, Bledsoe, Boddie, Bone, Burras, Brooks, Cheatham, Cherry, Cleaveland, Coggin, Cross of madison, Duggan, Eubank, goodall, Hamilton, hodsden, Hord, humphreys, Kinney, Lenoir, Marr, Mauly, Moores, moorman, Morrow, Rawlings, Richardson, Roach, Rodgers, Scott, Trimble, Turner, Tyler, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution from the House No. 186, directory to the physician and trustees of the Lunatic Asylum.

In which resolution the Senate concur and the same is herewith transmitted.

The Senate concur in the report of the Committee of Conference on the disagreement of the two Houses on the amendment of the House to Senate's bill No. 64, to amend the law for the collection of the State revenue.

Which report is herewith transmitted and the concurrence of the House of Representatives therein is requested.

The Senate have received and read the report of the chairman of the Select Committee in relation to a certain resolutions adopted by the General Assembly of 1839, presented to the Senate by Mr. cocke, January, 1844; and the same is herewith transmitted in obedience to an order from the Senate.

The Senate have taken up and rejected

A bill from the House, No. 199, to prevent grand juries from being unnecessarily detained to the injury and expense of the county.

Which bill is herewith transmitted.

The Senate have read a third time and passed, with sundry amendments thereto, the following bills from the House:

A bill No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb; and

A bill No. 222, to appoint John Killy of Marion county, proprietor of a turnpike road, commencing at the Eastern terminus of the Jasper and Pelham Turnpike road and terminating on the eastern side of the Lookout Mountain, in Hamilton county.

Which bills are herewith transmitted and the concurrence of the House in said amendments is requested.

The Senate have taken up and passed on their third reading, the following bills:

A bill No. 193, to incorporate the Richland Turnpike company; and,

A bill No. 219, to incorporate the town of Woodberry, in the county of Cannon, and to change the time of electing Aldermen in the town of Lebanon, Wilson county, and to revive the several acts chartering a turnpike road from McMinnville, in the county of Warren, to Moultrieborough, in the county of Rutherford, by way of Woodberry, and for other purposes.

Which bills are herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed an enrolled memorial from the Senate entitled A memorial of the General Assembly of the State of Tennessee, to the honorable Congress of the United States, proposing the establishment of a western armory and naval dock yard and depot, at the city of Memphis, in the State of Tennessee; which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the Senate has signed the following enrolled bills from the House:

An act to alter the lines between Bedford and Rutherford counties.

An act granting a longer time of four years to the LaGrange and Memphis Railroad Company to complete the road.

An act more effectual to secure the payment of the tax on capital used in shaving notes; and

A memorial of the Legislature of Tennessee to the Congress of the United States; which enrolled bills and memorial are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

The Speaker of this House signed an enrolled memorial from the Senate: entitled a memorial of the General Assembly of the State of Tennessee, to the honorable, the Congress of the United States, proposing the establishment of a western armory and naval deck yard, and depot at the city of Memphis in the State of Tennessee.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

Mr. Maury, from the Committee on Enrolled Bills, reported as correctly engrossed the following bills and memorial:

A bill, No. 127, to define the Eastern boundary line of Putnam county.

A bill, No. 201, to divide the appropriation heretofore made to the little Tennessee river, and to apply a part of the same to the Tellico river, in the county of Monroe; and

A bill, No. 219, for the relief of Hugh McAdon, constable of Shelby county; and

A memorial, No. 144, instructing our Senators, and requesting our Representatives in Congress to give their support to a bill for refunding a fine imposed upon General Andrew Jackson by the District Judge at New Orleans

Ordered that the clerk transmit the same to the Senate.

Mr. Cheatham asked and obtained leave of absence for Mr. Bobo until Tuesday next.

On motion of Mr. Bobo,

The House took up the following bills:

A bill, No. 212, to amend the charter of the Pelham and Jasper Turnpike Company; and

A bill, No. 319, to incorporate a manufacturing company at Manchester, in Coffee county; which bills were severally read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

On motion of Mr. Tyler,

The House took up a bill from the Senate, No. 114, to incorporate the Franklin Wharf Company in the town of Clarksville, Montgomery county.

Mr. Tyler offered an amendment consisting of three additional sections to the bill which provides for chartering a wharf company under the name and style of Garritt, Bell, & Co., wharf company on the Cumberland river, below the mouth of Red river in Montgomery county; which amendment was adopted.

Said bill as amended was then read a second time and passed.

On motion of Mr. Gordon,

The House took up the following bills:

A bill from the Senate, No. 71, to incorporate the members of the Mechanic's Union Society of Columbia in the county of Maury; and

A bill, No. 197, to consolidate and make one the Fayette and Fayetteville Female Academies, and to appoint additional trustees for Fayette Academy in Lincoln county; which bills were severally read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

On motion, the House took a bill, No. 310, to authorize the county trustee for Bedford county to collect certain school monies, and for other purposes; which was read a second time and passed.

The House took up a bill, No. 226; said bill was then read a third time,

And the question being taken, "shall the bill pass?" it was determined in the affirmative; yeas 35, nays 32.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Duggan, Goode, Hamilton, Hodsden, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Boddie, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Gordon, Hord, Houston, Hughes, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Scott, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill No. 231, to authorise the circuit court judges to hear and determine equity causes in certain cases; said bill was then read a third time,

And the question being taken, "shall the bill pass?" it was determined in the affirmative; yeas 59, nays 7.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Farquharson, Fisher, Garner, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trott, Turner, Turney, Tyler, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Coggin, Moores, Morrow, Trimble, Turner, Walker of Hickman, and Wheeler.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up the following bills:

A bill, No. 233, to charter the Citico turnpike company; and

A bill, No. 243, to authorise the different religious denominations in this State to hold land not exceeding five acres in quantity; which bills were severally read a third time and passed, and were ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 234, to amend the revenue laws in this State and for other purposes; said bill was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the negative, yeas 21, nays 42.

Those who voted in the affirmative are,

Messrs. Avery, Carson, Cross of Madison, Crudup, Duggan, Gar-

ner, Hamilton, Hodsden, Houston, Humphreys, Jourdan, Marr, Morris, Morrow, Nave, Richardson, Sherrill, Trice, Wheeler, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Goode, Gordon, Hord, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Polk, Rawlings, Roach, Trimble, Trott, Turney, Tyler, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill, No. 238, for the relief of the commissioners of the town of Cleaveland, in the county of Bradley.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 26, nays 38.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Carson, Cherry, Farquharson, Garner, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Lauderdale, Lenoir, Marr, Miller of Marshall, Morrow, Polk, Rawlings, Sherrill, Trott, Turner, Turney, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Goode, Hamilton, Jourdan, Kinney, McGinnis, Maury, Milligan, Moores, Moorman, Morris, Nave, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Hickman, Wann, Wheeler, and Wyley.

So said bill was rejected.

Mr. Boddie, from the Committee on Finance, to which had been referred a bill from the Senate, No. 175, to defray the expenses of the present General Assembly, with a report of the joint committee on Finance, which is made part of this bill, reported said bill with sundry corrections.

Ordered that said bill be placed on the calendar amongst Senate's bills on their second reading.

The House took up a bill, No. 243, to provide for ceding to the United States that portion of the State of Tennessee lying East of the Cumberland mountain.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 24, nays 41.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Boddie, Bone, Brooks, Carson, Cherry, Cleaveland, Cross of Sullivan, Deavenport, Duggan, Farquharson, Fisher, Garner, Gordon, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Richardson, Scott, Sherrill, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, and Williams.

Those who voted in the negative are,
Messrs. Avery, Bledsoe, Bond, Burrus, Cheatham, Cross of Madison,
Crouch, Eubank, Goode, Hamilton, Hughes, Lauderdale, Maury,
Moorman, Morrow, Rawlings, Trice, Trimble, Tyler, Walker of
Williamson, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House and
was ordered to be engrossed and transmitted to the Senate.

Mr. Richardson moved a reconsideration of the vote just taken.

The House then adjourned.

SATURDAY, 13th JANUARY, 1844.

The House met pursuant to adjournment.

Mr. Black presented the petition, No. 188, of James Mullins, sher-
iff of Bedford county, praying for Legislative relief; which was refer-
red to the Committee on Claims, with instructions to report by bill or
otherwise.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed with-
out amendment the following bills from the House:

A bill, No. 171, to furnish other States with the reports of the Su-
preme court; and a bill, No. 176, incorporating the town of Eaton, in
the county of Gibson, and for amending the act of incorporation of the
town of Gallatin, in Sumner county; which bills are herewith transmi-
tted.

The Senate have read a third time and passed with sundry amend-
ments thereto the following bills from the House:

A bill, No. 172, to amend the revenue laws of this State, in relation
to tax sales; and

A bill, No. 185, to amend the laws to improve the navigation of the
rivers in the Western District; which bills and amendments are here,
with transmitted and the concurrence of the House therein is requested.

The Senate have considered and adopted:

A resolution relating to certain resolutions adopted by the General
Assembly of the State of Tennessee at their session of 1827, condem-
natory of John Q. Adams and Henry Clay referred to in said resolution;
which resolution is herewith transmitted and the concurrence of the
House is requested.

The Senate have read a third time and passed the following bills:

A bill, No. 176, to regulate the government of the Penitentiary; and

A bill, No. 215, to authorize the issuance of bonds to the Lebanon
and Sparta turnpike company; which bills are herewith transmitted and
the concurrence of the House in the passage thereof is requested.

Mr. Morrow, from the Committee on Claims, to which had been re-
ferred a bill, No. 143, to authorize the county court of Marshall county
to appropriate certain moneys for expenses in defending a suit for the
benefit of said county, reported that the committee had had the same
under consideration and had instructed him to report said bill without
amendment and recommend the passage thereof.

Said bill was then read third time and passed.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow from said committee, to which had been referred, a resolution, number 150, directory to the Comptroller of the Treasury for the benefit of the securities of J. S. Bradley, former sheriff of White county, reported that the Committee had had the same under consideration and had instructed him to report favorable to the objects of the resolution, and recommend its adoption. In which report the House concur and said resolution was adopted.

Ordered that the Clerk acquaint the Senate therewith.

The Speaker presented the following report from the Comptroller of the Treasury; which was read at the clerk's table, and is as follows.

COMPTROLLER'S OFFICE,
NASHVILLE, January 12th, 1844. }

To the Speaker of the House of Representatives:

In obedience to a resolution of the House of Representatives of the 11th inst., directing the Comptroller of the Treasury as early as practicable, to report the various items constituting the aggregate of \$12,393 61, expenses of the Lunatic Hospital for the two years terminating 1st Monday in October, 1843; as reported by the late Comptroller of the Treasury to the General Assembly in October last, I respectfully submit the following

Statements of the various items composing said aggregate:

			dols.	cts.
1841	December	4, paid to James Grizzard, keeper,	125	00
	"	Charlotte Grizzard, matron,	100	00
	25	John D. Kelley, physician,	125	00
1842	January	18 Geo. H. Burton, buildings,	1788	51
	"	Peter Higgins, "	380	39
	20	Thomas Wells, "	176	39
	22	John Tyler, "	277	00
	"	William Harriss, "	640	23
	February	2 Daniel Macum, special act,	121	35
	9	E. H. Dean, building,	16	20
	2	John England, special act,	50	00
	April	23 John M. Hill, special appro.	6000	00
1842	20	James Grizzard, keeper,	125	00
	"	Charlotte Grizzard, matron,	100	00
	"	John D. Kelley, physician,	125	00
	May	27 Daniel Macum	2	82
	June	1 James Grizzard, keeper	125	00
	1	Charlotte Grizzard, matron,	100	00
	3	John D. Kelley, physician,	125	00
	August	24 J. R. Allen. Cocke prisoner,	128	40
	September	2 James Grizzard, keeper,	125	00
	2	Charlotte Grizzard, matron,	100	00
	October	24 John D. Kelley, physician,	125	00
1843	January	2 James Grizzard, keeper,	125	00
	2	Charlotte Grizzard, matron,	100	00
	2	John D. Kelley, physician,	125	00
	March	1 James Grizzard, keeper,	125	00
	1	Charlotte Grizzard, matron,	100	00

1843	March	1	Hiram Sanders,	\$11 85
	April	29	John D. Kelley, physician,	125 00
	June	1	James Grizzard, keeper,	125 00
		1	Charlotte Grizzard, matron,	100 00
		5	John D. Kelley, physician,	125 00
	Sept'ber	1	James Grizzard, keeper,	125 00
		1	Charlotte Grizzard, matron,	100 00
		19	John D. Kelley, physician,	125 00

\$12,333 61

Respectfully submitted.

F. K. ZOLLICOFFER,
Comptroller of the Treasury.

Which report was read and laid on the table.

On motion of Mr. Walker of Williamson, the House took up,

The report of the Joint Select Committee on the memorial of the securities of R. H. McEwen former Superintendent of Public Instruction, with a resolution proposing a compromise with said securities.

Mr. Trott moved the previous question; which was not seconded.

Said resolution was then read; and the question being taken on the adoption of said resolution, it was determined in the negative, ayes 20, nays 42.

The ayes and nays, number 356, being called by Mr. and ordered by the House,

Those who voted in the affirmative are :

Messrs. Alexander, Anderson, Avery, Bledsoe, Bond, Bone, Cheat-ham, Cross of Madison, Duggan, Hodsdon, Houston, Maury, Moorman, Morris, Rawlings, Rodgers, Sherrill, Tyler, Walker of Williamson, and Williams.

Those who voted in the negative are:

Messrs. Black, Boddie, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Huddleston, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morrow, Nave, Polk, Richardson, Roach, Scott, Smart, Trice, Trott, Turley, Wan, Wheeler, Wyley, and Mr. Speaker Barringer.

So said resolution was non-concurred in by the House.

On motion of Mr. Boddie,

The House took up a resolution, No. 182, directory to the Secretary State in relation to the Bank reports, filed in his office; which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Anderson,

The House took up a resolution, No. 157, directory to the Comptroller of the treasury to settle the account of Spencer Beavers, late sheriff of McMinn county; which resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Hodsdon introduced, a bill, No. 323, to apply two thousand dollars to the improvement of Little Tennessee and Tellico rivers out of

five thousand heretofore appropriated for the improvement of Hiwassee river, which bill was read a first time and passed.

On motion of Mr. Polk,

The House took up a bill from the Senate, No. 226, to incorporate Franklin College; which was read a first time and passed.

Mr. Maury, from the Committee on Enrolled Bills, reported as truly enrolled the following bills:

An act to furnish other States with the reports of the supreme court; and

An act incorporating the town of Eaton, in the county of Gibson, and for amending the act of incorporation of the town of Gallatin, in Sumner county.

The Speaker thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The House took up the motion of Mr. Richardson, made on last night, to reconsider the vote of the House on last night, on the passage of, "A bill, No 243, to provide for ceding to the United States that portion of the State of Tennessee, lying east of the Cumberland Mountain."

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 36, nays 33.

The ayes and nays being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bledsoe, Bond, Brooks, Burrus, Cheatham, Coggin, Cross of Madison, Crudup, Edwards, Fisher, Glenn, Goodall, Goode, Hughes, Jourdan, Kinney, Lauderdale, Marr, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Tyler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Boddie, Carson, Cherry, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Duggan, Eubank, Farquharson, Garner, Gordon, Hodsden, Hord, Houston, Huddleston, Humphreys, Lenoir, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Sherrill, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

So said motion was agreed to by the House.

Mr. Polk moved to reconsider the vote of the House refusing to strike out "Frankland."

Which was agreed to by the House.

Mr. Farquharson offered the following amendment:

Whereas, a large debt has been contracted by the State of Tennessee, for equal benefit of every part and portion of the territory and people; and, whereas that portion of this State known as East Tenner-

see have received benefits ordinary and extraordinary from the Treasury of the State for taxes collected, as well as from moneys raised on loans—Therefore, this act shall not take effect until East Tennessee shall assume and agree to pay one third of the debt contracted and expended for the benefit of the whole State.

Mr. Williams moved the previous question, which being seconded by a majority of all the members present;

The question was then taken, shall the main question be now put, which being determined in the affirmative,

And the main question was then taken, shall the bill pass, it was determined in the negative, ayes 31, nays 38.

Those who voted in the affirmative are,

Messrs. Black, Boddie, Carson, Cherry, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Duggan, Garner, Gordon, Hodsden, Houston, Huddleston, Humphreys, Kinney, Lenoir, McGinnis, Miller of Marshall, Milligan, Nave, Polk, Sherrill, Trott, Turner, Turney, Walker of Hickman, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Anderson, Avery, Biedsoe, Bond, Brooks, Burrus, Cheatham, Coggin, Cross of Madison, Crudup, Edwards, Eubank, Farquharson, Fisher, Glenn, Goodall, Goode, Hughes, Jourdan, Lauderdale, Marr, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Rodgers, Scott, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

On motion of Mr. Morrow, the House took up

A resolution No. 188, proposing to rescind the joint resolution adopted by both Houses of the General Assembly fixing the adjournment *sine die* of the present Legislature, on the 16th day of January, 1844.

Mr. Cheatham moved to amend said resolution by adding "and that the per diem pay of the members shall be two dollars."

Mr. Morrow moved the previous question, which being seconded by a majority of the members present,

The question being then taken, shall the main question be now put? and being determined in the affirmative,

The main question was then taken, shall the resolution be adopted? it was determined in the affirmative, yeas 41, nays 28.

The ayes and noes No. 359, being called for by Mr. Walker of Hickman, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Biedsoe, Boddie, Brooks, Burrus, Cheatham, Cleaveland, Coggin, Crouch, Crudup, Deavenport, Edwards, Farquharson, Goodall, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Maury, Moorman Morrow, Nave, Polk, Rawlings, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Tyler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Carson, Cherry, Cross of Madison, Cross of Sullivan, Duggan, Eubank, Fisher, Garner, Glenn, Goode, Huddleston, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Richardson,

Robert Scott, Thomas Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wyley.

So said resolution was adopted

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Cocke their clerk:

MR. SPEAKER: The Senate have taken up and considered the following resolutions from the House:

A resolution No. 150, directory to the comptroller of the treasury for the benefit of the securities of J. T. Bradley, former Sheriff of White county; and,

A resolution No. 189, directory to the comptroller of the treasury to settle the account of Spencer Beavers, late Sheriff of McMinn county.

In which several resolutions the Senate concur without amendment, and the same is herewith transmitted.

The Senate have read a third time and passed, without amendment, the following bills from the House:

A bill No. 184, to authorise Julian T. Scott to open and keep up a turnpike road.

A bill No. 193, to relieve the militia in the 7th, and 8th, civil districts in Polk county, from attending battalion and regimental meetings.

A bill, No. 204, to amend the charter of the Nashville and Charlotte turnpike company.

A bill, No. 306, to incorporate the Denmark male academy in the county of Madison.

A bill No. 203, to form a new regiment in Rutherford county.

A bill, No. 214, to amend an act entitled "an act to extend the Rhea academy in the town of Greeneville, and for other purposes," passed February 3, 1842.

A bill, No. 220, to incorporate the Memphis Lyceum.

A bill, No. 224, to extend the charter of the Red river turnpike company and to charter the Gallatin and Cumberland turnpike company; and

A bill, No. 228, to remedy the evils occasioned by the destruction of the Register's books in Perry county; which bills are herewith transmitted.

The Senate have taken up and rejected, a bill from the House, No. 227, to establish a chancery court at the town of Decatur, in the county of Meigs.

The Senate have read a third time and passed with sundry amendments thereto, the following bills from the House:

A bill, No. 183, to incorporate the Philomathean Society of Memphis.

A bill, No. 180, to amend the law in relation to navigable streams, and for other purposes.

A bill, No. 205, to repeal the act passed the second day of December, 1839, chapter 14, and for other purposes.

A bill, No. 210, to authorise Alexander H. Montgomery and Robert Qualls to open a turnpike road.

A bill, No. 211, to extend the corporate limits of the town of Winesboro,

In the county of Wayne, and to authorise the circuit court of Whit county to define the corporate limits of the town of Sparta; and to incorporate the town of Unionville in Bedford county; and

A bill, No. 252, to repeal an act entitled, "an act to amend an act incorporating the Union Seminary in Maury county, passed February 5th, 1842;" which bills and amendments are herewith transmitted and the concurrence of the House therein is requested.

The Senate have adopted a resolution, No. 115, directory to the President of the Bank of Tennessee; which is herewith transmitted and the concurrence of the House therein is requested.

The Speaker of the Senate has signed an enrolled bill of the Senate entitled, "an act to abolish the office of the Superintendent of Public Instruction and to transfer his duties to the Treasurer of the State;— which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Senate have received and read a memorial from the commissioners of Sandy river; which is herewith transmitted.

The Senate have read a third time and passed:

A bill, No. 211, to equalize the labors of the Judges of the 4th, 5th and 13th circuits; and the same is herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed the following enrolled bills from the House:

An act to furnish other States with the reports of the Supreme court; and

An act incorporating the town of Eaton, in the county of Gibson, and for amending the act of incorporation of the town of Gallatin, in Sumner county; and the same is herewith transmitted.

Ordered that the clerk deposit said enrolled bills in the office of the Secretary of State.

The Speaker of the House has signed an enrolled bill from the Senate entitled: "an act to abolish the office of Superintendent of Public Instruction, and to transfer his duties to the Treasurer of the State.

Ordered that the clerk acquaint the Senate therewith.

The House then took up the following bills:

A bill, No. 240, to prevent the county court of Perry county from laying a general tax for the purpose of building a court house in said county.

A bill, No. 244, to amend the fourth section of an act, passed October 29th, 1842, to apportion the representation in the General Assembly of the State of Tennessee.

A bill, No. 245, to authorise John Strutton to open a turnpike road,

A bill, No. 248, to change the name of Tusculum Academy to Tusculum College.

A bill, No. 250, to incorporate the Williamsport bridge company.

A bill, No. 255, to authorise John Stuart, of Cocke county to build and construct a milldam across one sluice of the French Broad river in Cocke county.

A bill, No. 256, to authorise the election of an additional Justice of the Peace in the town of Chattanooga.

A bill, No. 259, to authorise the corporation of Memphis to work runaway slaves, committed to the jail of Shelby county, on the streets; which bill was severally read a third time and passed, and were ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 247, supplemental to an act passed at the present session of this General Assembly, entitled, "an act to authorise the clerks of the supreme court to furnish new counties with reports of the supreme courts."

Said bill as amended was then read a third time, and the question was then taken, "shall the bill pass?" it was determined in the affirmative, yeas 60, nays 00.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Eubank, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hord, Houston, Humphreys, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 254, to authorise justices of the peace to issue subpoenas for witnesses to adjoining counties.

Said bill was then read a third time; and the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 45, nays 13.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bordie, Brooks, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Fisher, Garner, Goodall, Gooden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, McGinnis, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Scott, Sherrill, Trice, Tyler, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Coggin, Eubank, Farquharson, Goode, Gordon, McGinnis, Miller of Marshall, Morris, Richardson, Smart, Trimble, Trott, Turner, and Walker of Hickman.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up "Resolution, No. 258, amendatory of the Constitution of Tennessee."

Mr. Nave moved that the question be divided and taken on the 1st article; which motion was agreed to.

And the question was then taken on the adoption, as moved by Mr. Nave, and determined in the affirmative, yeas 56, nays 4.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bordie, Bond

Brooks, Burrus, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Gordon, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Carson, Goode, Lenoir, and Wylor.

So said resolution passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate,

Mr. Anderson offered the following amendment to the second resolution:

Or when it may be necessary, to preserve the faith and credit of the State, to secure the best interest of the people; which amendment was adopted.

Mr. Williams offered the following amendment to said resolution:

Provided that nothing in this resolution shall be so construed as to prevent the Legislature from authorising the issuance of bonds to an amount sufficient to carry out, in good faith, the provisions of the act of 1837, to charter the Bank of Tennessee, to raise a fund for Internal Improvement, and to aid in the establishment of a system of education.

On motion of Mr. Hughes,

Said resolution, as amended, was laid on the table.

On motion of Mr. Tyler,

The House took up a bill from the Senate, No. 114, to incorporate the Franklin Wharf Company, in the town of Clarksville, Montgomery county, and for other purposes.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Farquharson,

The House took up Senate's amendments to "A bill from the House, No. 28, to authorise the sale of common school lands, in the State of Tennessee, at the wish of the township, wherein said lands may be situated."

First amendment, strike out the last clause of the fourth section, and insert the following: "to invest the principal so received or collected in the bonds of this State, provided such bonds can be purchased at their nominal value or less, and provided further, that said Bank or Branch, as the case may be, shall be liable for the amount of the principal paid in, with 6 per cent. per annum interest thereon, until the investment herein directed shall be made and no longer, and the interest on the bonds purchased, and notes deposited for collection, and the interest that may be due on moneys paid in, and not invested as directed in this section, shall be annually set apart and paid over to the districts, townships or fractional townships, to which the same may belong, according to the amount of deposits belonging to each respectively."

And a amendment, Sec.. *Be it enacted, That the Bank or Branch in*

which the deposit directed in this act, shall be made, may retain a sum not exceeding one half of one per cent. upon the amount of interest for annual distribution, as a compensation for the services of the Bank required by the provisions of this act.

3rd amendment, strike out the last clause of the section, and insert the following: "For moneys collected or deposited with them, and the bonds purchased for the use of each."

In which several amendments the House concur.

Ordered that the clerk acquaint the Senate therewith.

Mr. Speaker Barringer moved a reconsideration of the vote of the House taken on this day on the nonconcurrence in the report of the joint select committee on the memorial of the securities of R. H. McEwen, former Superintendent of Public Instructions, and a resolution proposing a compromise with said securities.

The House then adjourned.

MONDAY, JANUARY 15th, 1844.

The House met pursuant to adjournment.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed with sundry amendments thereto the following bills from the House:

A bill, No. 295, to repeal an act passed the 2d day of December, 1839, chap. 14th, and for other purposes; and

A bill, No. 180, to amend the laws in relation to navigable streams, and for other purposes, which bills and amendments are herewith transmitted, and the concurrence of the House therein requested.

The Speaker of the Senate has signed the following bills of the Senate:

An act to consolidate and make one the Fayette and Fayetteville Female Academies, in Lincoln county; and

An act to incorporate the members of the Mechanics' Union Society of Columbia, in the county of Maury.

The Speaker of the Senate the coupon signed said enrolled bills.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Harlan, from the Committee on the Judiciary, to which had been referred a bill from the Senate, No. 116, to change the time of holding the Supreme court at Knoxville, reported said bill without amendment, and recommended the passage thereof.

Mr. Milligan asked and obtained leave to withdraw said bill for amendment.

On motion of Mr. Rodgers,

The House took up a resolution, No. 175, directory to the Comptroller of the Treasury to receive certain lands from the old Nashville Bank; which resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Moore,

The House took up a resolution, No. 115, directory to the President of the Bank of Tennessee.

Mr. Anderson moved to amend said resolution by striking out "expenses" in the 8th line and inserting in lieu thereof the following "the amount of payments made by;" which amendment was adopted.

Said resolution as amended was then adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Hughes presented the settlement of the county court of Polk, with the trustees of the Ocoee Academy in Polk county.

Ordered that the same be deposited in the office of the Comptroller of the Treasury.

Mr. Farquharson moved a reconsideration of the vote of the House taken on Sunday, concurring in the Senate's amendments to a bill from the House, No. 28, to authorise the sale of common school lands, in the State of Tennessee at the wish of the townships where said lands are situated; which motion was agreed to by the House.

Mr. Farquharson moved a concurrence in all of the Senate's amendments except the last amendment to the fourth section; which was agreed to by the House.

Mr. Farquharson moved a non-concurrence with the amendment of the Senate, proposing to strike out in the fourth section "ten years," and insert in lieu thereof, "five years," and also striking out "one tenth" and inserting "one fifth;" which motion was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to House bill, No. 210, to authorise Alexander H. Montgomery and Robert Qualls to open a turnpike road.

Senate's amendment constituting two additional sections, the 11th and 12th sections to the bill.

The 11th section provides that Thomas Stockton, of Fentress county, the proprietor of a turnpike road granted to D. Smith, have a further time of two years to complete said road.

The 12th section provides for the appointment of John Richardson and William H. McGee commissioners for the turnpike road granted to Abner Philips, and that said Philips have a further time of three years to complete said road, and to receive the same rate of tolls, and subject to the same enactments and provisions as is contained in this act.

Mr. Rogers moved to amend said Senate's amendment with the following:

Sec. 13. *Be it enacted*, That John Young of Sparta, and Daniel Clark be, and they are hereby appointed commissioners on the Bank's turnpike road, any law, usage, or custom to the contrary notwithstanding; which amendment was adopted.

Said Senate's amendment as amended was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Bond from the Committee, on Enrolments, reported as correctly engrossed a resolution, No. 253, amendatory of the constitution in relation to the establishment of a new county out of a part of the county of Obion.

Mr. Bond, from the same committee, reported as truly enrolled the following bills and resolutions:

An act to authorise Julian F. Scott to open and keep a turnpike road.

An act to amend the charter of the Nashville and Charlotte turnpike company.

An act to form a new regiment in Rutherford county.

An act to incorporate the Memphis lyceum.

An act to extend the charter of the Red river turnpike company; and to charter the Gallatin and Cumberland turnpike company.

An act to amend an act entitled "an act to extend the Rhea Academy in the town of Greenville, and for other purposes," passed February 9d 1842

An act to remedy the evils occasioned by the destruction of the register's books in Perry county.

A resolution directory to the comptroller of the treasury, for the benefit of the securities of J. T. Bradley, former sheriff of White county; and

A resolution directory to the comptroller of the treasury, in relation to the settlement of the account of Spencer Beavers, late sheriff of McMinn county.

The Speaker of this House thereupon signed said enrolled bills and resolutions.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof

The House took up a memorial. No. 118, transmitted from the Senate from the commissioners on Sandy river; which memorial was laid on the table.

Mr. Coggin moved a reconsideration of the vote of the House, rejecting on Friday the 12th inst., a bill No. 225, to remove the supreme court of errors and appeals for the middle division of Tennessee to the town of Columbia, in the county of Maury.

A message from the Senate by Mr. Cook their clerk;

MR. SPEAKER: The Senate have read a third time and passed with an amendment thereto; a bill No. 213, to amend the act of 1843, chapter 34, accepting the agency created by the act of Congress, of the 18th day of February, 1842, in relation to the vacant and unappropriated lands south and west of the Congressional reservation line, which is herewith transmitted, and the concurrence of the House in said amendment is requested.

The House took up two memorials transmitted from the Senate from sundry citizens of Davidson county, praying for a charter for the Richland turnpike company, and a petition No. 107, of Clinton Armstrong, praying to be refunded to him \$26 improperly paid on merchants license in Tazewell, in Claiborne county; which several petitions were laid on the table.

The House took up the following bills from the Senate:

A bill, No. 45, to impose a tax for the use of the State, on gold watches, jewelry, plate, piano fortes, except when the latter are used in schools and academies, or by teachers of music.

A bill, No. 67, to declare certain professions and civil officers to be privileged, and to impose a tax thereon.

A bill, No. 100, to supply vacancies in grand juries.

A bill, No. 189, to tax goods sold at auction.

A bill, No. 194, to incorporate the Lebanon, Rome and Carthage turnpike company.

A bill, No. 193, to amend the charter of the Sycamore manufacturing company passed on the 7th day of February, 1842, chapter 128.

A bill, No. 198, to define cases in which the State may be taxed with costs.

A bill No. 202, for the relief of persons who may hereafter pay to the clerk of the county court for license authorizing them to sell goods, wares and merchandise in this State, or any other privilege.

A bill No. 203, to regulate the practice in the supreme court at Nashville.

A bill No. 208, for the relief of sheriffs.

A bill No. 209, incorporating the Tennessee manufacturing company.

A bill No. 211, to equalize the labors of the judges of the 4th, 5th and 13th circuits.

A bill No. 214, to incorporate the Fort Pickering Dry Dock company; and.

A bill No. 217, to authorize Thomas Mabry of Warren county, to open a turnpike road.

A bill No. 226, to charter Stone's river turnpike company; and.

A bill No. 228, to amend the laws in force on the subject of divorces;

Which bills were severally read a first time, and passed.

The House took up a bill from the Senate, No. 176, to regulate the government of the penitentiary;

Which was read a first time and passed.

Ordered that said bill be referred to the Committee on the Penitentiary.

The House took up a bill from the Senate No. 215, to authorize the issuance of bonds to the Lebanon and Spartanburg turnpike company;

Which bill was read a first time and passed.

Ordered that said bill be referred to the Committee on Internal Improvement.

The House took up a bill from the Senate, No. 163, to incorporate the Richmond turnpike company; which bill read a first time and passed.

Mr. Moorman asked and attained leave to withdraw said bill for amendment.

The House took up a bill from the Senate, No. 219, to incorporate the town of Woodbury, in the county of Cannon, and to change the time of electing Aldermen in the town of Lebanon, in Wilson county, and to revive the several acts chartering a Turnpike road from McMinnville in the county of Warren to Murfreesboro, in the county of Rutherford, by way of Woodbury, and for other purposes; which bill was read a first time and passed.

Mr. Trott asked and attained leave to withdraw said bill for amendment.

The House took up a bill from the Senate, No. 220, to change the time for holding the circuit courts in Marshall and Maury counties, and for other purposes; which was read a first time and passed.

Mr. Black asked and obtained leave to withdraw said bill for amendment.

The House took up a resolution from the Senate, No. 101, which was read at the clerk's table, and is as follows:

Resolved by the General Assembly of the State of Tennessee. That the School Commissioners for the Toquas school section, (and township in which it lies) in the county of Moore, with the advice and consent of the Attorney General for the second judicial circuit, be, and is hereby empowered to subject the rents and profits of the said school section, as well after as before they go out of office as commissioners to the payment of costs and expenses, to which they may reasonably be subjected by employing counsel, or otherwise in defending the title of said township to said section of land; which resolution was read a first time and passed.

Ordered that said resolution be referred to the committee on Education and common Schools.

The House took up and considered the amendments of the Senate, to House bills of the following numbers and titles.

A bill No. 51, to prevent frauds in the negotiation of notes.

A bill No. 113, to extend the corporate limits of the town of Waynesboro, in the county of Wayne, to embrace the circuit court of White county to define the corporate limits in the town of Sparta, and to incorporate the town of Unionville, in Bedford county.

A bill No. 198, to establish Jackson Seminary in the county of Jackson.

A bill No. 236 to authorise John F. Hannah and company to open a turnpike road.

A bill No. 232, to repeal "an act entitled act to amend an act incorporating Union Seminary in Maury county, passed Feb. 5th, 1842.

A bill No. 222, to appoint John Feeley of Marion county, proprietor of a Turnpike road commencing at the eastern terminus of the Jasper and Pelham Turnpike road, and terminating at the eastern side of the Lookout mountain, in Hamilton county.

A bill No. 110, to correct mistakes in entering lands in the Ocoee District, and for other purposes.

A bill, No. 143, to amend an act entitled an act to prevent indictments and prosecutions in certain cases.

A bill, No. 151, to amend the laws of this State in relation to costs of suits.

A bill, No. 202 authorizing and allowing appeals from the decisions of county courts in certain cases.

A bill, No. 172, to amend the revenue laws of this State in relation to tax sales.

A bill, No. 213 to amend the act of 1812, chap. 34, accepting the agency created by the act of Congress of the 13th day of February, 1812 in relation to the vacant and unappropriated lands south and west of the congressional reservation line; in which amendments of the Senate the House severally concur.

The House have also taken up and considered the amendment of the Senate to a resolution, No. 174, directory to the Secretary of State; in which amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Marshall, who had withdrawn for amendment a bill No. 253, to alter the county line between the counties of Giles and Marshall, returned the same with sundry amendments thereto.

Ordered that said bill be placed on the calendar amongst bills of their third reading.

The House took up Senate's amendment to a bill from the House No. 139 to incorporate the Philomathean society at Memphis; which Senate's amendment constitutes the 3d and 4th sections to the bill which provides for incorporating of the Chi Delta society of East Tennessee University.

Mr. Williams offered the following amendment to said Senate's amendment: That Robert Armstrong, W. W. Right, C. W. Par and those associated with them and their successors be and they hereby made a body politic by the name and style of the Philomathean society of East Tennessee University for the same purposes and under the same rules and restrictions and with the same powers and with the same privileges as the Chi Delta society of East Tennessee University is set forth in this act; which amendment was adopted.

Said Senate's amendment as amended was then concurred in by House.

Ordered that the clerk acquaint the Senate therewith.

A bill, No. 53, to continue the encouragement of the culture of in the State of Tennessee; which amendment is as follows: strike the words "dry" in the third line of the 1st section; which Senate amendment was nonconcurrent in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to a bill from the House, No. 178, to establish the county of Hanover: first amendment, strike out "Hanover," wherever the same occurs and insert in lieu thereof "Colbert;" second amendment, amend the caption by striking out "Hanover" and insert in lieu thereof "Colbert," in honor of the memory of George and Levi Colbert, two distinguished chiefs of the Chickasaw nation of Indians; in which amendment the House nonconcur.

3d amendment, amend the 5th section by inserting the words "and John Rolston," after the word "Dupey," in the 4th line, and also by inserting the words "or that a want of any other constitutional requisition; in which last amendment the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up a resolution, No. 108, directory to the superintendent of public instruction or Comptroller of the Treasury; which was read at the clerk's table as follows:

Whereas, from the report of the superintendent of public instruction to this General Assembly, there seems to be many small balances unsettled in the hands of the county agents in this State; and whereas from said report there seems to be a want of proper authority on the part of the superintendent to compromise doubtful and uncertain claims in the hands of said county agents with a view to the enforcement of their collection; therefore

Resolved by the General Assembly of the State of Tennessee, That the superintendent of public instruction or comptroller of the treasury, as the case may be, do, and he is hereby authorised to audit and settle with the several county agents for arrearages due, and shall have power to allow all such credits and offsets as justice and equity would entitle, having reference to such vouchers and papers as may be exhibited on settlement.

Mr. McGinnis moved to amend said resolution by inserting after the words "comptroller of treasury" or treasurer; which amendment was adopted.

Said resolution as amended was then concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to a resolution from the House, No. 170, providing for the revision and digest of the general statutes of the State of Tennessee.

First amendment, insert after the word "Tennessee" in the 7th line, the following words: "and the reports of the supreme court."

Second amendment, provided that the person appointed to digest the decisions shall be the owner of the work, and may proceed to publish the same as soon as it is prepared, but the same shall be done on his own responsibility; in which amendment of the Senate the House severally concur.

Third amendment; provided that if the person authorised to publish said revision and digest, shall fail to publish the digest he shall only be entitled to two thirds of the sum proposed.

And the question being taken on concurring in said third amendment of the Senate, it was determined in the affirmative; yea 34, nays 20.

The yeas and nays, No. 363, being called for by Mr. Farquharson and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery; Bond, Bone, Burrus, Cheatham, Cleveland, Coggin, Cross of Madison, Crouch, Duggan, Goode, Hodsden, Hord, Houston, Hughes, Humphreys, Lenoir, Marr, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Rodgers, Scott, Sherrill, Trimble, Turner, Walker of Hickman, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Boddie, Burrus, Carson, Cherry, Cross of Sullivan, Crudup, Deavenport, Eubank, Farquharson, Fisher, Garner, Goodall, Huddleston, Kidney, Lauderdale, McGinnis, Miller of Haden, Nave, Richardson, Roach, Smart, Trice, Trott, Turney, Wann, Wyley, and Mr. Speaker Barringer.

So said Senate's amendment was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Scott asked and obtained leave of absence for Mr. Jourdan until to morrow morning.

The House took up the report of the committee of conference on the disagreement of the two Houses on a bill from the Senate, No. 64, to amend the law for the collection of the State revenue; in which report the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to a bill from the House to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville in the county of DeKalb.

First amendment, to establish a chancery court at Springfield, Robertson county, to be held on Monday in and in each and every year. Second amendment, a chancery court be established at Lafayette in the county of Macon to be attached to the 4th chancery district to be held on the Mondays in and in each and every year; the first court to be attached to the chancery district of the Western District.

Mr. Cheatham moved to fill the blanks in the first amendment with the "third Mondays in April and October."

Mr. Goodall moved to fill the blanks in the second amendment with "fourth Mondays in March and September;" which amendments to fill said blanks were severally adopted.

Mr. Nave moved to amend said Senate's amendment, with the following amendment, "and the counties of Carter and Johnson shall compose a separate chancery district, and the court for the same shall be held by the Chancellor of the Eastern Division of the State, at Elizabethton, on the 2nd Mondays of May and November, in each and every year, and it shall be the duty of said Chancellor to appoint a Clerk and Master for said court, who shall give bond and security as by law directed; be subject to perform the same duties that the clerks of the chancery courts are now subject to perform by law, and said court when established shall be governed by the same rules and regula-

tions, and under the restrictions in every respect that other chancery courts are in this State;" which amendment to said Senate's amendment was adopted.

Mr. Morrow moved a nonconcurrency in that part of the Senate's second amendment, that requires the chancellor of the 4th district, to hold the chancery court at Harrison, in Hamilton county."

Which motion was agreed to by the House.

Said Senate's amendment, as amended, was then concurred in by the house.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, moved a reconsideration of the vote just taken, concurring in said Senate's amendment, as amended.

Mr. Cleveland asked and obtained leave to withdraw said bill for amendment.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up the amendments of the house to "A bill from the Senate, No. to incorporate the Franklin Wharf Company, in the town of Clarksville, Montgomery county," and for other purposes, and have concurred therein.

The Senate have taken up the following resolutions from the house:

A resolution, No. 176, directory to the Secretary of State, in relation to the safe keeping of duplicates of certain State Bonds; and

A resolution No. 182, directory to the secretary of state in relation to the Bank reports filed in his office.

In which resolutions the senate concur, and the same is herewith transmitted.

The senate have taken up and considered a resolution from the House, No. 96, directory to the comptroller of the treasury.

In which resolution the senate non-concur and the same is herewith transmitted.

The senate have taken up and considered the non-concurrence of the House to senate's amendment proposing to strike out "ten" and insert "five," and also striking out "one tenth" and inserting "one fifth," in the 4th section of A bill from the House, No. 28, to authorise the sale of common school lands in the state of tennessee, at the wish of the citizens of the township where such lands may be situated—and on further consideration the senate recede from said amendment, and said bill is herewith transmitted.

The senate have taken up and adopted the following Resolutions:

A resolution No. 107, authorising the Governor to appoint commissioners to investigate the Branch Bank of the Bank of tennessee, at Athens; and,

A resolution, 116, to refund to samuel McGee, late sheriff of warren county, certain monies paid into the treasury by mistake.

(which resolutions are herewith transmitted and the concurrence of the House of Representatives therein is requested.

The senate have received and read a message from His Excellency the Governor of the state of Tennessee, with accompanying documents; And the same is herewith transmitted in obedience to an order of the senate.

The senate have taken up and rejected a bill from the House, No. 219, for the relief of Hugh McAden, constable of Shelby county; and the same is herewith transmitted.

The Senate have taken up and considered resolution from the House, No. 188, proposing to rescind a joint resolution adopted by both Houses of the General Assembly, fixing the adjournment *sine die*, of the present session of the Legislature, on Tuesday the 18th instant.

In which resolution the Senate concur with an amendment thereto; which is herewith transmitted, and the concurrence of the House therein requested.

The Senate have read a third time and passed the following bills.

A bill No. 210, to authorise the Governor, to surrender the interest of the State in the Hiwassee rail road and in the Lagrange and Memphis rail road, together with the Branch from Sommerville to Moscow, and a bill No. 221, for the benefit of James W. Netherland, James Berry and Alexander H. Keith, commissioners appointed by the Governor, to perform certain duties under the act of Assembly passed January 25th, 1840.

Which bills are herewith transmitted, and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed the following enrolled bills and resolutions from the House.

An act to authorise Julian F. Scott to open and keep up a turnpike road.

An act to amend the charter of the Nashville and Charlotte turnpike company.

An act to form a new regiment in Rutledge county.

An act to incorporate the Memphis lyceum.

An act to extend the charter of the Red River turnpike company; and to charter the Gallatin and Cumberland turnpike company.

An act to amend an act entitled an act, to extend the Rhea Academy in the town of Greeneville, and for other purposes: passed February 3d, 1842; and,

An act to remedy the evils occasioned by the destruction of the Register's books in Perry county.

A resolution directory to the comptroller of the treasury, for the benefit of the securities of J. T. Bradley, former sheriff of White county; and,

A resolution directory to the Comptroller of the Treasury in relation to the settlement of the account of Spencer Beavers, late sheriff of Mexican county; and the same are herewith transmitted.

Ordered that the clerk deposite the same in the office of Secretary of State.

The House took up Senat's amendment to a bill, No. 185, to amend the laws to improve the navigation of the rivers in the Western District.

First amendment strike out the first section of the bill.

Second amendment strike out of the second section the name of Wm. McClatchie and insert "Nathaniel Porter and Charles Warren;" insert after Haywood county, the name of "Henry J. Cotton of Tipton county."

On motion of Mr. Wyley,

In the said several amendments of the Senate the House nonconcur; the amendments insert after Wm. Harper, in the 4th line in the 5th.

section, the name of E. B. Mason; which amendment was concurred in by the House.

Fourth amendment is as follows: sec. 6, that James C. Randal, of the county of Henry, be and he is hereby appointed a commissioner for Sandy river, in the place of E. B. Randal.

Mr. Edwards moved a nonconcurrent resolution in said 4th amendment; which was agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Cleaveland who had withdrawn for amendment Senate's amendment as amended, to A bill, No. 61, establishing a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb; returned the same with the following amendment to said Senate's amendments:

"There shall be established a chancery court, to be held on the 4th Mondays of April and October in the court house in the town of Rutledge, in the county of Grainger, in the eastern chancery division of the State, under the same rules and regulations that govern other chancery courts in this State."

Which amendment was adopted.

Mr. Carson asked and obtained leave to withdraw said bill for amendment to said Senate's amendment.

The House took up Senate's amendment to

A resolution, No. 188, proposing to rescind the joint resolution adopted by both Houses of the General Assembly, fixing the adjournment time of the present session of the Legislature, on Tuesday, the 16th instant.

Which amendment is as follows:

"And be it further resolved, That from and after the adoption of this resolution, no bill or resolution shall be introduced in either House during the present General Assembly."

Pending the discussion thereon,

Mr. Goodall moved the previous question; which being agreed to by a majority of all the members present,

The question - was then taken, shall the main question be now put which being determined in the affirmative,

The main question was then taken, shall the House concur in said Senate's amendment? which was determined in the affirmative - Yeas 42, Nays 9.

The ayes and noes No. 364, being called for by Mr. Goodall, and ordered by the House,

Those who voted in the affirmative are,

Messrs Alexander, Avery, Black, Medree, Boddie, Boat, Bene, Bonds, Burris, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross, Madison, Cross or Sullivan, Greach, Grady, Duggan, Eubank, Fisher, Garner, Goodall, Goode, Gordon, Holsden, Hord, Houston, Huddleston, Humphreys, Kimmey, Lauderdale, Lenoir, Mabry, Miller, Henderson, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nare, Polk, Rawlings, Richardson, Roach, Rodgers, Seale, Smith, Smart, Price, Trimble, Trout, Turner, Taylor, Walker, &c.

Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Deavenport, Edwards, Farquharson, Glenn, Hughes, McGinnis, Marr, and Tukey.

So said amendment was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a resolution, No. 107, from the Senate, authorizing the Governor to appoint commissioners to investigate the Branch Bank of the Bank of Tennessee at Athens.

Which resolution was read at the clerk's table and is as follows:

Resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorised to appoint commissioners to examine and investigate the Branch of the Bank of Tennessee at Athens, who shall be invested with all the powers and authority to perform all the duties contained in and required by joint resolutions heretofore adopted, appointing commissioners to investigate and examine the Bank of Tennessee and its Branches—and so much of said joint resolution as names and appoints commissioners to investigate and examine said Branch Bank at Athens, be, and the same is hereby rescinded.

Resolved, further, That should the Governor fail, or if he has failed to get three commissioners in the Athens Branch Bank district to perform the duties required in said joint resolution, he is hereby authorised to select and appoint three commissioners from any part of Eastern Middle Tennessee, and each commissioner who shall perform the duties as aforesaid, shall receive three dollars per day for every day necessarily engaged in the performance of the duties aforesaid, to be paid by the comptroller, and each commissioner not residing in the Athens Branch Bank district, shall receive three dollars for every 25 miles in travelling to and from Athens to the place of his residence.

The House took up a resolution from the Senate, No. 116; which was read at clerk's table as follows:

Resolved by the General Assembly of the State of Tennessee, That the comptroller of the treasury be, and he is hereby so authorised to settle the account of Samuel McGee, late sheriff of Warren county, for State tax in said county of lands due for the years of 1838, 1839, 1840 and 1841, so as to allow and refund to said McGee thirteen dollars and seventy six cents, paid by said McGee into the treasury by mistake, and this resolution shall be sufficient authority for the same.

In which several resolutions the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up a message from his Excellency the Governor of the State with accompanying documents transmitted from the Senate to-day; where message was read at the clerk's table as follows:

EXECUTIVE DEPARTMENT,

Nashville, Jan 15, 1844.

Gentlemen of the Senate and House of Representatives:

I have this day received a communication from the Judges of the supreme court of this State, now in session in this city, suggesting an important defect in the law. Concurring with the court in the opinion that this subject is of such importance as to require the attention of the

Legislature, I deem it proper to call your attention to the subject in order that the defect may be remedied by Legislative action.

That this subject may be more fully understood I herewith transmit the communication received from the court **JAMES C. JONES**.

The communication accompanying said message was then read, and

On motion, said message from His Excellency the Governor, with the accompanying documents, was referred to the Committee on the Judiciary.

The House took up the following bills from the Senate:

A bill No. 210, to authorise the Governor to surrender the interest of the State in the Hiwassee railroad, and the L. Grange and Memphis railroad, together with the branch from Sommerville to Moscow; and

A bill No. 224, supplemental to an act entitled an act for the relief of certain purchasers and assignees of purchasers of reservations in the Hiwassee district, passed on the 26th January, 1840, chapter 130.

Which bills were severally read a second time and passed.

Mr. Richardson moved a suspension of the rule regulating the order of business, and take up

A bill from the Senate No. 188, to preserve the faith and credit of the State to raise revenue and preclude the necessity of reducing the amount distributed annually under the existing laws for the support of Common Schools.

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 40, nays 27.

The ayes and nays being called for by Mr. Bond, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Anderson, Black, Bond, Bone, Burrus, Cheatham, Carson, Cleaveland, Cross of Madison, Farguharson, Glenn, Goodall, Goode, Gordon, Hodges, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Smart, Trice, Trott, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Brooks, Cherry, Coggin, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Miller of Marshall, Nave, Polk, Scott, Sherrill, Turner, Turney, and Mr. Speaker Barringer.

So said motion was disagreed to by the House, it requiring a vote of two-thirds of the members present to suspend said rule.

The House took up the motion made by Mr. Hord on the 21st December last to reconsider the vote of the House rejecting on the 19th ult., a bill, No. 249, to incorporate the Nashville Dam and Lock company; which motion to reconsider was agreed to by the House.

Mr. Roach moved that said bill be laid on the table; which motion was disagreed to by the House.

Mr. Trimble offered the following amendment to said bill.

See. That from the commencement of the construction of said public work and ever afterwards and during its existence to said corporation, shall procure and keep constantly renewed an open policy or pol-

olicies of insurance against all damages to rafts, flat boats, keel boats, or other water crafts caused by said work or any of the agents or servants of said corporation, the efficiency of said policy or policies shall be determined by the Judges of the Davidson circuit court, and the failure to keep such policy or policies on foot shall be a forfeiture of said charter.

Sec. provides for the employment of a suitable pilot whose duty it shall be to conduct every water craft through said lock with as little delay as possible at the expense of said corporation; which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative; yeas 37, nays 34.

Those who voted in the affirmative are,
Messrs. Alexander, Avery, Boddie, Bond, Bone, Cheatham, Cherry, Cleveland, Cross of Madison, Crouch, Crudup, Dravenport, Fishery, Glenn, Goode, Gordon, Hodsden, Hord, Houston, Kinney, Lauderdale, Maury, Miller of Harrogate, Milligan, Moorman, Morris, Mottow, Polk, Rawlings, Scott, Sternhill, Tice, Trimble, Turner, Tyler, and Mr. Speaker Barringer.

Those who voted in the negative are,
Messrs. Anderson, Black, Bledsoe, Brooks, Burrus, Carson, Coggin, Cross of Sullivan, Duggan, Edwards, Eubank, Fairquharson, Garner, Goodall, Hamilton, Huddleston, Hughes, Humphreys, Lenoir, McGinnis, Miller of Marshall, Moores, Nave, Richardson, Roach, Rodgers, Frost, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

So said bill passed on its third and last reading in the House and was ordered to be engrossed and transmitted to the Senate.

Mr. Polk moved a reconsideration of the vote of the House just taken passing said bill.

Mr. Bond, from the Committee on Enrolled bills, reported as truly enrolled bills of the following titles.

An act to relieve the militia in the 4th and 5th civil districts in Polk county from attending battalion and regimental musters; and

An act to incorporate the Denmark male academy, in the county of Madison; which enrolled bills were thereupon signed by the speaker of this House.

Ordered that the clerk transmit the same to the Senate for the signature of the speaker thereof.

The House took up a bill, No. 260, to promote the settlement and improvement of this State by enabling aliens to purchase and hold real estate therein.

Mr. Carson offered the following amendment to said bill: "Provided that aliens claiming the benefit of this act shall become citizens of the United States in conformity with the laws of naturalization as prescribed by the laws of the Congress of the United States."

And the question being taken on agreeing to said amendment, it was determined in the negative, yeas 28, nays 36.

The yeas and nays, No. 367, being called for by Mr. Black, and ordered by the House,

~~Those~~ Those who voted in the affirmative are,
Messrs. Avery, Black, Bledsoe, Bond, Carson, Cheatham, Cherry,
Cleveland, Coggin, Cross of Sullivan, Crudup, Farquharson, Garnaet,
Goode, McGinnis, Moores, Morris, Morrow, Richardson, Turney, Ty-
ler, and Wann.

Those who voted in the negative are,
Messrs. Anderson, Boddie, Brooks, Cross of Madison, Crouch,
Deavenport, Edwards, Fisher, Gordon, Hord, Houston, Hamilton,
Huddleston, Hughes, Humphreys, Kinney, Lenoir, Maury, Miller of
Hardeman, Miller of Marshall, Molligan, Moorman, Nave, Rawlings,
Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Walker
of Williamson, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Said bill was then read a third time; and the question being taken "shall the
bill pass?" it was determined in the affirmative, yeas 32, nays 29.

Those who voted in the affirmative are,

Messrs. Anderson, Boddie, Bone, Brooks, Cherry, Coggin, Cross of Madi-
son, Crouch, Deavenport, Duggan, Edwards, Fisher, Gordon, Hodsden, Hord,
Houston, Hughes, Humphreys, Kinney, Miller of Hardeman, Molligan, Nave,
Scott, Sherrill, Smart, Trice, Trott, Turner, Wheeler, Willeys, Wiley, and
Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Bond, Burrus, Carson, Cheatham, Cross of
Sullivan, Eubank, Farquharson, Goodall, Goode, Lenoir, McGinnis, Maury, Mil-
ler of Marshall, Moores, Moorman, Morris, Morrow, Richardson, Rodgers, Trim-
ble, Turney, Tyler, Walker of Hickman, and Wann.

So said bill passed on its third and last reading in the House, and was or-
dered to be engrossed and transmitted to the Senate.

Mr. Trice moved a reconsideration of the vote of the House on the passage
of said bill.

A message from the Senate, by Mr. Cocke, their clerk: MR. SPEAKER:
The Speaker of the Senate has signed enrolled bills from the House of the
following titles:

An act to relieve the Militia of the 7th and 8th civil districts, in Polk county,
from attending Battalion and Regimental musters; and

An act to incorporate the Benchmark Male Academy, in the county of Madi-
son; which enrolled bills are herewith transmitted.

Ordered that the Clerk deposit the same in the office of Secretary of State.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

The House took up the following bills from the Senate:

A bill, No. 3, to regulate proceedings in actions of replevin.

A bill, No. 20, to equalise the burdens of taxation by introducing more
uniformity in the valuation of property, throughout the different counties of the
State.

A bill, No. 22, to secure to married women the use and enjoyment of their
separate property.

A bill, No. 30, to authorise the county court of Monroe county to make
appropriations in certain cases.

A bill, No. 34, to reduce and fix the salaries of various public officers.

A bill, No. 39, to define the liability of land for arrearages due for taxes.

A bill, No. 42, to provide for the payment of freight and storage, and other necessary charges on books and documents transmitted from other States and Territories to the executive of Tennessee.

A resolution, No. 45, to amend the fourth section of the tenth article of the constitution of the State of Tennessee, so, that a new county may be created out of the Territories of the counties of Sullivan, Washington, Greene, and Hawkins.

A bill, No. 46, to provide for the payment of costs in certain cases.

A bill, No. 52, to establish a male Academy, in the county of White.

A bill, No. 52, to repeal the act passed on the 25th January, 1842, entitled "an act to increase the tax on Brokers."

A bill, No. 55, to amend an act entitled "an act to appropriate moneys for the improvement of the rivers in East Tennessee."

A bill, No. 68, to remove obstruction from public roads.

A bill, No. 97, to incorporate an association in Nashville to be known by the style of the "Advocate's Library."

A bill, No. 79, to amend the act of 1865, chap. 2, in relation to illegitimate children.

A bill, No. 82, to regulate the costs in civil suits.

A bill, No. 85, giving further relief to married women in obtaining divorces.

A bill, No. 87, to prescribe the mode of registering conveyances for the separate use and maintenance of married women.

A bill, No. 94, to encourage domestic manufactories.

A bill, No. 91, to amend the laws of costs of Criminal prosecutions, and to diminish the same when chargeable to the State or county.

A bill, No. 93, to amend the practice in Courts of laws and equity and for other purposes.

A bill, No. 95, to provide more effectually for the education of apprentices.

A bill, No. 101, to authorise the county court of Blount county, to permit the erection of mills and other water works in certain cases.

A bill, No. 105, for the benefit of Wm. M'Calister, a deputy sheriff of Lawrence County.

A bill, No. 106, to amend the fourth section of the act of 1825, chapter 13.

A bill, No. 108, to equalise the tax on the privilege of insuring lives and property.

A Bill, No. 110, to establish the county of Jones, in honor of his excellency James C. Jones, the present Governor of the State of Tennessee.

A bill, No. 115, to amend the laws for the suppression of usury.

A bill, No. 119, to prescribe the mode of registering Wills, for lands executed out of the limits of the State Tennessee.

A bill, No. 124, to complete the boundary line separating the counties of Dickson, and Montgomery.

A bill, No. 120, for the regulation of costs in certain cases.

A bill, No. 128, to give securities and creditors the right to recover usurious money paid by the principal or debtor, in satisfaction of his debt or liability.

A bill, No. 134, to amend the charter of the Holston College.

A bill, No. 132, to regulate the manner of reporting the decisions of the Supreme court of this State.

A bill, No. 143, to extend the corporate limits of the town of Dresden, in the county of Weakley.

A bill, No. 147, to incorporate the mechanics, library association of Nashville.

A bill, No. 148, for the relief of sheriffs in certain cases.

A bill, No. 151, to tax public watering places.

A bill, No. 153, to authorize Audly Harrison and Thomas Gardner, to open and keep in repair, a turnpike road across the Cumberland mountain.

A bill, No. 161, to settle and regulate the conflicting claims of the State of Tennessee, and private creditors in certain cases.

A bill, No. 163, in obedience to a resolution in favor of John Norman, adopted January 22d, 1842.

A bill, No. 166, to establish a chancery court at Lexington, in the county of Henderson.

A bill, No. 270, for the relief of Henry Wilton; and,

A bill, No. 271, to authorize the election of an additional Justice of the Peace, in the town of Chatanooga; which bills were severally read a second time and passed.

The House took up a bill from the Senate, No. 6, to repeal the act of 1842, chapter 3, entitled an act to abolish imprisonment for debt, and for other purposes.

Said bill, was then read a second time; and the question being taken, "shall the bill pass," it was determined in the affirmative, yeas 35, nays 26.

The ayes and noes, No. 363, being called for by Mr. Trott and ordered by the House. Those who voted in the affirmative are, Messrs. Avery, Black, Bledsoe, Bone, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Crudup, Duggan, E. bank, Farquharson, Fisher, Garner, Goode, Hodsden, Lenoir, M'Ginnis, Miller of Marshall, Willigan, Moorman, Morris, Rawlings, Richardson, Price, Trimble, Turner, Turney, Tylet, Walker of Hickman, Walker of William Co., Wann, and Wiley.

Those who voted in the negative are,

Messrs. Anderson, Boddie, Bond, Brooks, Cherry, Coggin, Cross of Sullivan, Deavenport, Gordon, Hamilton, Hard, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Morris, Morrow, Nave, Polk, Roach, Trott, Wheeler, and Mr. Speaker Burringer.

So said bill passed on its second reading in the House.

The House took up a bill, No. 263, for the benefit of Israel F. Outhouse, former Trustee of Weakley county; which bill was read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill from the Senate, No. 16, to amend the penal laws of the State of Tennessee.

On motion of Mr. Wheeler,

Said bill was indefinitely postponed.

The House took up a bill from the Senate, No. 35, to amend the laws so as to prevent unnecessary accumulation of costs in the administration of justice.

Said bill was then read a second time and rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 93, to repeal so much of an act, chapter 38, section 26, passed the 28th January, 1840, as allows the commissioners of common schools to apply for, and receive the money due and apportioned to their respected districts; which was read a second time and passed.

Mr. Walker of Hickman, asked and obtained leave to withdraw said bill for amendment.

The House took up the following bills from the Senate:

A bill, No. 60, to regulate the mode of taking depositions in the circuit and chancery courts in this State; and,

A bill, No. 94, to effectuate the intention of persons in the devise or conveyance of real and personal property; which bills were severally read a second time and passed.

Ordered that said bills be referred to the Committee on the Judiciary.

The House took up a bill from the Senate, No. 101, to extend the time for completing the Lagrange and Memphis rail road, and the branch from Moscow to Sommerville.

On motion of Mr. Avery,

Said bill was ordered to the table.

The House took up a bill from the Senate, No. 121, for the benefit of James Vaughn, of Monroe county; which was read a second time and passed.

Ordered that said bill be referred to the Committee on Claims.

The House took a bill from the Senate, No. 132, more effectually to enable creditors of deceased persons, to collect their debts out of the real estate of such deceased persons; which was read a second time and passed.

Mr. Wheeler asked and obtained leave to withdraw said bill for amendment.

The House took up a bill from the Senate, No. 140, to alter the lines between the counties of Wilson and Cannon.

Said bill was then read a second time and passed.

Ordered that said bill be referred to the Committee on New Counties and County Lines.

Mr. Walker of Hickman, who had withdrawn for amendment, a bill from the Senate, No. 131, to amend the act incorporating the town of Centreville, returned the same with the following amendment:

Sec. *Be it enacted*, That the corporate limits of said town shall be extended commencing at the northeast corner of said town, running thence east to include the residence of Samuel H. Williams, thence south so as to include the Academy of said town of Centreville; which amendment was adopted.

Said bill as amended was then read a second time and passed.

The House took up a bill from the Senate, No. 142, to declare the speaking of certain words actionable:

Which bill was read a second time and passed.

Mr. Coggin asked and obtained leave to withdraw the same for amendment.

The House took up a bill from the Senate No. 164, to declare the embezzlement of money by certain Bank officers as felony; which was read a second time and passed.

Ordered that said bill be referred to the Committee on Banks.

Mr. Morrow moved a reconsideration of the vote of the House.

The House then adjourned.

TUESDAY, JANUARY 16, 1844.

The House met pursuant to adjournment.

Mr. Goodali presented a petition No. 188, of J. W. Close and other citizens of Smith county praying the Legislature to pass an act granting said Close the privilege to hawk and peddle without license; which was read and referred to the Committee on the Judiciary.

Mr. Moorman presented a petition No. 189, from sundry citizens of the county of Davidson, protesting against the charter of the Annandale turnpike company; which was read and laid on the table.

Mr. Carson presented the petition No. 190, of sundry members of the bar and other citizens, praying the passage of a law authorising a special term of the chancery court at Sandridge, in the county of Jefferson, on the first Monday in February next; which was read and ordered to be transmitted to the Senate.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred a petition, No. 194, from sundry citizens of the 4th district of Jackson county, praying the Legislature to remove the seat of justice from Gainboro' to the centre of said county, reported that the committee had had the same under consideration and had instructed him to report that the prayer of the petitioners is reasonable and ought to be granted, and to report the following bill in obedience to the prayer of the petitioners; which is as follows:

A bill No. 526, to amend the removal of the seat of justice in Jackson county; which was read a first time and passed.

Mr. Cheatham, from the Committee on Banks, to which had been referred a bill No. 164, from the Senate, to declare the embezzlement of money by certain Bank officers as felony, reported that the committee had had the same under consideration and had instructed him to report said bill with an amendment, and with said amendment to recommend the passage thereof; which amendment as reported by the committee is as follows:

Insert after the word "embezzle" in the 6th line of the 1st section the word "or," which amendment was adopted.

Said bill was then placed on the calendar amongst Senate's bills on their third reading.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred a bill from the Senate, No. 140, to alter the lines between the counties of Wilson and Cannon, reported the same without amendment.

On motion of Mr. Trott,

Ordered that said bill be referred to the Committee on the Judiciary, with instructions to report their opinion on the subject.

Mr. Black who had withdrawn for amendment a bill, No. 220, to change the time of holding the circuit courts in Marshall and Maury counties, and for other purposes, returned the same with the following amendment: strike out "first," in the third line of the proviso, and insert in lieu thereof the "third;" strike out "March," and insert "July;" which amendment was adopted.

Said bill as amended was then read a second time and passed.

Mr. Goode asked and obtained leave to withdraw said bill for amendment.

Mr. Coggins who had withdrawn for amendment a bill from the Senate, No. 149, to declare the speaking of certain words actionable, returned the same with the following amendments:

Sec. It shall be actionable to charge any person with swearing falsely, or with having sworn false, or to use, utter, or publish words of, to, or concerning any person which in their common acceptance amounts to such a charge, whether the words be spoken in a conversation of, and concerning a judicial proceeding or not; which amendment was rejected.

Said bill was then placed on the calendar amongst Senate's bills on their third reading.

Mr. Trott, who had withdrawn for amendment, a bill from the Senate, No. 219, to incorporate the town of Woodbury, in the county of

Cannon, and to change the time of electing aldermen, in the town of Lebanon, Wilson county, and to revive the several acts chartering a turnpike road from McMinnville, in the county of Warren, to Murfreesboro, in the county of Rutherford, by the way of Woodbury, and for other purposes, returned the same with the following amendments: strike out all of the first section after the word "town of" in the 7th line, and insert in lieu thereof "Lewisburg" in the county of Marshall, by an act of the General Assembly, passed on the 16th day of December, 1837, and all laws or parts of laws heretofore passed in relation to the incorporation of the town of Woodbury, are hereby repealed.

Add to the fourth section the following amendment: "And said company if in the opinion of said commissioners, the same shall be deemed most advisable, may commence the construction of said road at the town of Murfreesboro, and continue the same two miles beyond the corporate limits of the town of Woodbury, or to any other point nearer the town of McMinnville; and if said road shall be so commenced at Murfreesboro and completed only a part of the distance as herein authorized, then and in that case the capital stock may be fixed by the commissioners at such an amount less or greater than the amount authorized in said act as will be sufficient for the construction of the same; which amendments were severally adopted.

Said bill as amended was then read a second time and passed.

Mr. Hodsdon, who had withdrawn for amendment, a bill, No. 221, to secure bona fide purchasers in their possessions and titles; returned the same without amendment.

Said bill was then read a second time and passed.

Mr. Burrus, who had withdrawn for amendment, a bill from the Senate, No. 78, to change the time of holding the circuit and chancery courts therein named; returned the same with the following amendment: strike out the second section and insert the following in lieu thereof:

Sec 2. Be it enacted, That the circuit court of the county of Cannon shall be hereafter held on the 4th Mondays of April August and December, and the circuit courts for the county of Bradley, on the 1st Mondays of January, May, and September, and the circuit courts of the county of Meigs on the 4th Mondays of April August, and December.

Mr. Wann moved to strike out the times of holding the courts of Meigs and Bradley counties; which motion was rejected.

Said amendment was then adopted.

Mr. Brooks asked and obtained leave to withdraw the same for amendment.

Mr. Carson, who had withdrawn for amendment, as amended by the Senate, "A bill, No. 61, to establish a chancery court at Harrison, in Hamilton county, and at Smithville, in the county of DeKalb," returned the same with the following amendment to said Senate's amendment:

And the Chancellor of the Eastern Division of the State be, and he is hereby authorized and requested to hold a special term of the chancery court in the town of Dandridge, in Jefferson county, on the first Monday in February next, or at any time thereafter that the Chancellor

may think proper to appoint a special term of said court, and shall have general power and authority to try all causes at such special term as is authorised by law at the regular term of said court; which amendment was adopted.

Said Senate's amendment, as amended, was then concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trimble, who had withdrawn for amendment "A bill, from the Senate, No. 227, to build a bridge across Harpeth River, and for other purposes," returned the same with the following amendments:

Amendment to the first section. Fill up the blanks in the first section.

Amendment to the second section. Add after the word "highest stage" in the 6th line, "or arched bridge" without said pillars, if the commissioners shall so direct, add at the end of said section the following amendment: "And to make 400 yards of road similarly constructed on the opposite side of said river, commencing at the said bridge, and on a line with the present road, one half mile of road graded to not over six degrees, commencing at the base of the hill east of what is called Strange Branch in Dickson county, and running in a line with the Nashville and Charlotte road, eastward to the top of the ridge; said road to be constructed in the same manner as that made by Samuel D. Atkinson, on the Nashville and Charlotte road, on the ridge between Harpeth River and Nashville.

Amendment to the 3d section. Add after the word "tell" the following: "which shall be the same as exacted at a single gate upon Atkinson's road; on the ridge between Nashville and Harpeth river with the amendment made at this session, to the Nashville and Charlotte turnpike company

Said bill was then ordered to its place on the calendar amongst Senate bills on their second reading.

Mr. Anderson, who had withdrawn for amendment: "A bill, No. 291, to establish a chancery court at Springfield, in the county of Robertson," returned the same with the following amendment in lieu of the whole bill, from the enacting clause:

Sec. 1 Be it enacted, That the county of McMinn, shall compose a separate chancery district, and the courts shall be held by the Chancellor of the Eastern Division of the State at Athens, in the county of McMinn, on the first Mondays of March and September, in every year and it shall be the duty of said Chancellor to appoint a clerk for said court, who shall give bond and security, as by law now directed, and be the subject to the same duties and liabilities that the clerks of the chancery courts are now subject to by, and the citizens of the counties of Polk, Bradley, Meigs, and Rhea, shall be allowed to file their bills in the aforesaid chancery court.

Mr. Lauderdale moved to strike out Bradley and Polk counties; which was agreed to by the House.

Mr. Rawlings offered the following amendment to said amendment:

Be it further enacted, That the President and directors of the Bank of Tennessee at Nashville be, and they are hereby authorised to cause to be forthwith removed the Branch Bank at Athens, to Chattanooga, in the county of Hamilton; which amendment was rejected.

Said amendment offered by Mr. Anderson, was then adopted.

Ordered that said bill be placed on the calendar among bills on their third reading.

On motion of Mr. Morris,

Ordered that a bill, No. 202, to regulate the pay of members of the Legislature, clerks and doorkeepers, be placed on the calendar among bills on their third reading.

Mr. Richardson moved a reconsideration of the vote of the House taken on yesterday, rejecting "A bill, No. 35, from the Senate to amend the laws so as to prevent unnecessary accumulation of costs in the administration of Justice."

Mr. Bond, from the Committee on Enrolled Bills, reported that the committee had examined the following enrolled bills and resolutions:

An act to appoint John Kelly, of Marion county, proprietor of a turnpike road, commencing at the eastern terminus of the Jasper and Palmetto turnpike road, and terminating on the eastern side of the Lookout Mountain, in Hamilton county.

An act to authorize John F. Hannock, and company, to open a turnpike road.

An act to repeal an act entitled "an act to amend an act incorporating Union Seminary, in Maury county."

A resolution providing for a revision, digest of the general statutes of the State of Tennessee.

A resolution directory to the Secretary of State,

A resolution directory to the Secretary of State in relation to the safe-keeping of the duplicates of certain State Bonds.

A resolution directory to the Secretary of State in relation to the Bank reports filed in his office; and found the same correctly enrolled.

The Speaker of the House thereupon signed said enrolled bills and resolutions.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

Mr. Bond asked and obtained leave to withdraw for amendment, a bill from the Senate, No. 168, to change the time of holding certain circuit and chancery courts.

Mr. Duggan asked and obtained leave to withdraw for amendment, a bill, No. 203.

Mr. Crouch, who had withdrawn for amendment a bill, No. 322, to declare Nolachucky river navigable from Eljah Embree's to the gulf near the North Carolina line, returned the same with an amendment in lieu of the whole bill from the enacting clause; which amendment was adopted.

Said bill as amended was then read a third time and passed; and was ordered to be engrossed and transmitted to the Senate.

The House took up the following bills:

A bill, No. 94, defining the method of obtaining judgments on notes due the Bank of Tennessee and branches, and

A bill, No. 155, to abolish the office of Geologist; which bills were ordered to the table.

The House took up bill, No. 253, to alter the county lines between

The counties of Giles and Marshall, the amendments offered by Mr. Miller of Marshall being under consideration.

Pending the discussion the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendments pending when the House adjourned this morning.

Said amendment were then adopted.

Mr. Wyley moved a reconsideration of the vote of the House just taken on inserting the word "voting" after the word "qualified voters" which motion was agreed to by the House.

The question was taken on inserting as just stricken out, which was disagreed to by the House.

Mr. Rawlings offered the following amendment:

Be it enacted, That the part of Jefferson county cut off by a line running from the mouth of Bent creek to Cheek's Roads, be and the same is hereby attached to Hawkins county, provided that a majority of the voters living in said county shall vote in favor of being thus attached.

Mr. Milligan offered the following proviso to said bill:

Provided, always, the county of Giles shall not be reduced below its constitutional limits.

Mr. Black moved the previous question, which not being seconded by a majority of the members present, said motion was disagreed to by the House.

The question was then taken on the amendment offered by Mr. Rawlings, and said amendment was rejected.

Mr. Goode offered the following amendment to the proviso offered by Mr. Milligan, "and that the persons residing in said fraction and desiring to be stricken off, shall first have Giles county surveyed by some disinterested surveyor, or not residing in said counties of Marshall or Giles, and that if Giles county is not found to have six hundred and twenty-five square miles, this act shall be null and void;" which amendment was adopted.

The question was taken on said amendment as amended; and determined in the affirmative, yeas 58. nays 9.

The yeas and nays, No. 370, being called for by Mr. Goode, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bledsoe, Bond, Bond, Brook, Buttrif, Carson, Cheatham, Cherry, Cleveland, Coggin, Cron, of Madison, Crouch, Crutch, Deavenport, Duggan, Eubank, Edwards, Parquarson, Goodall, Goode, Gordon, Hamilton, Hodson, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Bawlings, Richardson, Roper, Rodgers, Sherman, Trice, Trimble, Trott, Turner, Tyler, Walker, of Hickman, Walker of Williamson, Wanne, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Cross of Sullivan, Fisher, Garnet, Glenn, Lauderdale, Miller of Marshall, Turney, and Wyley.

So said amendment as amended was adopted.

Mr. Trott offered the following amendment:

Be it enacted, That the Judges of the chancery and circuit courts of this State elected at the present session, or those hereafter to be elected, shall receive but thirty hundred dollars per annum."

Mr. Farquharson moved to lay said bill and amendment on the table.

And the question being taken on agreeing to said motion it was determined in the affirmative, yeas 40, nays 25.

The yeas and nays, No. 371, being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Bond, Bone, Brooks, Burris, Carson, Cheatman, Cleveland, Ceggin, Cross of Madison, Cross of Sullivan, Crudup, Dravenport, Duggan, Farquharson, Garner, Goodall, Goode, Hamilton, Hodsden, Lenoir, Miller of Hardeman, Miller of Marshall, Milgan, Moores, Moorman, Morris, Rawlings, Richardson, Roach, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Cherry, Edwards, Eubank, Fisher, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Morrow, Nave, Polk, Rodgers, Sherrill, Trott, Turner, Turney, Wann, and Wheeler.

So said bill and amendment was laid on the table.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed, a bill, No. 233, to amend the fourth section of an act, passed 3d January, 1825, chapter 1; which is herewith transmitted, and the concurrence of the House in the passage thereof is requested.

The Senate have read a third time and passed with sundry amendments thereto, a bill from the House, No. 301, to amend an act entitled "an act to establish a State Bank to raise a fund for Internal Improvement, and to aid in the establishment of a system of education," and an act supplemental thereto; which bill and amendments are herewith transmitted, and the concurrence of the House in said amendments is requested.

The Senate have taken up and rejected a bill from the House, No. 255, to authorise John Stuart of Cocke county, to build and construct a mill dam across one sluice of French Broad river in Cocke county.

And the same is herewith transmitted.

The Senate have received and read the report of the commissioner for the improvement of the navigation of Hiwassee river, and in obedience to an order from the Senate the same is herewith transmitted.

The Senate have taken up and considered a resolution from the House, No. 175, directory to the comptroller of the treasury, to receive certain lands from the old Nashville bank; in which resolution the Senate concur with an amendment, and the concurrence of the House in said amendment is requested.

The Speaker of the Senate has signed the following enrolled bills of the Senate and enrolled resolution:

An act to incorporate the Franklin wharf company in the town of Clarksville, Montgomery county, and for other purposes; and

An act to authorise the county court of Marshall county to appropriate certain moneys for expenses in defending a suit for the benefit of said county.

A resolution to refund Samuel McGee, late sheriff of Warren county, its moneys paid into the treasury by mistake; and

A resolution authorising the Governor to appoint commissioners to investigate the branch bank of the bank of Tennessee at Athens; and the same is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the Senate has signed the following enrolled bills and resolutions from the House:

An act to prevent frauds in the negotiation of notes.

An act to correct mistakes in entering land in the Ocoee district, and for other purposes.

An act to amend an act entitled "an act to prevent indictments and presentments in certain cases.

An act to amend the revenue laws in this State in relation to tax sales.

An act to amend the laws of this State in relation to costs of suits.

An act to establish Jackson seminary in the county of Jackson.

An act authorising and allowing appeals from the decisions of the county courts in certain cases.

An act to amend an act of 1842, chapter 34, accepting the agency created by the act of Congress of the 18th day of February 1842, in relation to the vacant and unappropriated lands South and West of the congressional reservation line.

An act to extend the corporate limits of the town of Waynesboro' in the county of Wayne, to authorise the county court of White county to define the corporate limits of the town of Sparta, and to incorporate the town of Unionville in Bedford county.

An act to appoint John Kelley of Marion county, proprietor of a turnpike road, commencing at the Eastern terminus of the Jasper and Pelham turnpike road, and terminating on the Eastern side of the Lookout mountain in Hamilton county.

An act to authorise John F. Hannah, & Co., to open a turnpike road.

An act to repeal an act entitled "an act to amend an act incorporating Union seminary in Maury county, "passed February 5, 1842, and for other purposes.

A resolution providing for a revision and digest of the general statutes of the State of Tennessee.

A resolution directory to the Secretary of State.

A resolution directory to the Secretary of State in relation to the safe keeping of the duplicates of certain State bonds; and

A resolution directory to the secretary of State in relation to the bank reports filed in his office.

Ordered that the clerk deposit the same in the office of the secretary of State;

The House took up Senate's amendment to a bill, No. 301, to amend an act entitled an act to establish a State bank, to raise a fund for Internal Improvements, and to aid in the establishment of a system of education, and an act supplemental thereto; which several amendments of the Senate were concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to a resolution directory to the comptroller of the treasury, to receive certain funds from the old Nashville bank; in which Senate's amendment the House concurred.

Ordered that the clerk acquaint the Senate therewith.

The House took up the report of the commissioners for the improvement of the navigation of Hawassee river, which report was laid on the table.

The House took up a bill from the Senate, entitled a bill, No. 233, to amend the 4th section of "an act passed 3d January 1835, chapter 2, which bill was read a first time and passed.

The House took up a bill, No. 265, to raise additional revenue, and to preserve the public faith and credit.

On motion of Mr. Bond,

Ordered that said bill be made the special order of the day for tomorrow.

The House took up a bill, No. 265, to adjust the boundary line between this State and Kentucky.

Said bill was then read a third time,

And the question being taken, "shall the bill pass?" It was determined in the affirmative; yeas 56, nays 00.

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Bond, Bolle, Brooks, Carrus, Carson, Cheatham, Chettry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Cross, Dealing, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hodges, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lattin, Lenoir, McGinnis, Marr, Miller or Marshall, Milligan, Moores, Moorman, Morris, Nave, Rawlings, Richardson, Roach, Rodgers, Sheffill, Price, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wileys and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Polk moved a suspension of the rule for the order of business so as to enable him to make a motion dispensing with the session on to night; which motion was disagreed to by the House.

The House took up a bill, No. 271, for the benefit of owners of public mills.

Said bill was then read a third time, and the question being taken, "shall the bill pass," it was determined in the negative.

Those who voted in the affirmative are,

Messrs. Bond, Brooks, Carson, Cheatham, Cleveland, Cross of Madison, Deavenport, Duggan, Edwards, Farquharson, Fisher, Hamilton, Hodges, Hord, Houston, Humphreys, Lenoir, Marr, Moorman, Morris, Mr. Speaker Barringer, Timble, Turner, Wileys, and Mr. Speaker Barringer.

Those who voted in the negative are,
Messrs. Avery, Black, Bledsoe, Bond, Burrus, Cherry, Coggin, Cross of Sullivan, Crouch, Eubank, Garner, Goode, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Moores, Nave, Polk, Richardson, Roach, Rodgers, Sherrill, Trice, Turney, Tyler, Walker of Hickman, and Wann.

Sosaid bill was rejected.

The house took up a bill, No. 267, to incorporate the Kingston and Monroe turnpike company, in Overton county; which was read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

Mr. Polk asked and obtained leave to withdraw for amendment a bill, No. 20 from the Senate to equalize the labor of the Judges of the 4th, 5th, and 13th circuits.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

On motion of Mr. Nave,

The House recinded the vote of the House rejecting on this afternoon a bill, 271, for the benefit of owners of public mills.

Ordered that said bill be placed on the calendar amongst bills on their second reading.

The House took up a bill, No. 272, providing for but one door keeper to the House of Representatives.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 37, nays 17.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Duggan, Fisher, Goode, Gordon, Hamilton, Hughes, Humphreys, Lauderdale, Lenoir, McGinnis, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trout, Turney, Tyler, Walker of Williamson, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Cheatham, Deavenport, Eubank, Farquharson, Goodall, Hord, Houston, Miller of Marshall, Milligan, Polk, Trimble, Turner, Walker of Hickman, and Wheeler.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 276 to amend the revenue laws.

Mr. Speaker Barringer (Mr. Farquharson in the chair) moved that said bill be referred to the select committee of three members; which motion was agreed to by the House.

The speaker announced the appointment of Messrs. Trimble, Hord, and Walker of Williamson to compose said committee.

The House took up the following bills:

A bill, No. 278, to amend an act entitled "an act to incorporate the town of Tazewell, in the county of Clinch, passed 1st November, 1853, and for other purposes;" and.

A bill, No. 285, to incorporate the Eagle creek male academy, in the county of Benton, and for other purposes.

Mr. Rodgers offered the following amendment to said bill, No. 285:

Be it enacted, That the trustees of Mount Cumberland Academy, in the county of Fentress, shall proceed to collect and secure the fund now in the hands of the people of said county unexpended under the act passed on the 18th day of January, 1840, entitled, "an act to incorporate the Van Buren male academy in Fentress county, and for other purposes," and if pending the collection of said fund, said trustees shall believe it to be the most conducive to the interest of said fund, they shall take notes from the debtors payable in the Branch Bank of Tennessee at Sparta, upon which the interest and ten per cent. shall be paid semi annually thereon by the debtors; provided further that said trustees shall make a pro rata division of the fund as collected, to the different school districts in said county; which amendment was adopted.

Said bills as amended were severally read a third time and passed and were ordered to be engrossed and transmitted to the Senate.

The House took up, A bill, No. 282, for the relief of Hugh McAden and George W. Halloway, said bill was then read a third time and rejected.

The House took up, a bill, No. 283, to authorise the Treasurer of the of the State and officers of the bank to draw upon each other.

Mr. Farquharson moved to strike out the second section of said bill; which motion prevailing, said section was stricken out.

The bill was then further amended on motion of Mr. Bond.

Mr. Trott moved the indefinite postponement of said bill; which motion was disagreed to by the House.

Said bill as amended was then read a third time, and the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 40, nays 18.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bond, Bone, Brooks, Burns, Carson, Cheatham, Cleveland, Coggm, Cross of Madison, Crouch, Duggan, Farquharson, Fisher, Goode, Gordon, Hamilton, Hughes, Humphreys, Kinney, Lenoir, Maury, Milligan, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Hickman, Wheeler, and Mr. Speaker Barriager.

Those who voted in the negative are,

Messrs. Flack, Bledsoe, Cherry, Cross of Sullivan, Deavenport, Eubank, Garner, Goodall, Lauderdale, M. Ginnis, Marr, Miller of Marshall, Palk, Trott, Turner, Turney, Walker of Williamson, Wain, and Wyley.

Said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The house took up a bill, No 284, to restore Joseph W. Robertson, of Rutherford county, and James McNaid, of Giles county, to the rights of citizens ip.

On motion of Mr. Nave,

Said bill was indefinitely postponed.

The House took up a bill, No. 299, for the relief of new counties; which was read a third time, and the question being taken, shall the bill pass, it was determined in the negative, yeas 14, nays 45.

Those who voted in the affirmative are,

Messrs. Anderson, Brooks, Coggin, Goodall, Hord, Humphreys, Hughes, Lauderdale, Milligan, Miller of Marshall, Moores, Nave, Rogers, Sherrill, Trott, Turner, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Eubank, Farquharson, Fisher, Garner, Goode, Hamilton, Hodsden, Houston, Kinney, Lenoir, McGinnis, Marr, Maury, Milligan, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Mr. Speaker Barringer.

Mr. Black moved a reconsideration of the vote just taken; which motion was disagreed to by the House; so said bill was rejected.

The House took up a bill, No. 288, to prescribe the manner of giving notice to endorsers and assignors.

On motion of Mr. Speaker Barringer, (Mr. Black in the chair,)

Ordered that said bill be referred to a select committee to consist of members, Messrs. Trimble and Goode, with instructions to revise same, and report on to-morrow.

The House took up a bill, No. 292, to incorporate all towns not heretofore incorporated, and to prevent expensive legislation.

Mr. Avery offered the following amendment:

Sec. 2. *Be it enacted*, That the corporate limits of any incorporated town in this State may be extended or altered by a vote of the citizens of such town to be ascertained and determined in the same manner and under the same rules and regulations that are provided in the first section of this act for the incorporation of towns in this State; which amendment was adopted.

Mr. Milligan moved to amend said bill by the following proviso: Provided that every property holder proposed to be included within a corporation shall be willing to be included in said corporation; which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 24.

Those who voted in the affirmative are,

Messrs. Brooks, Carson, Cheatham, Cleveland, Cross of Sullivan, Crouch, Duggan, Fisher, Garner, Goode, Hamilton, Hodsden, Hord, Humphreys, Kinney, Lauderdale, Lenoir, Maury, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rogers, Sherrill, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Williamson, Wann, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bond, Bone, Burrus, Cherry, Coggin, Cross of Madison, Deavenport, Eubank, Farquharson, Goodall, Houston, Hughes, McGinnis, Marr, Miller of Mar-

all; Moorman, Folk, Walker of Hickman, and Wyley.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 303, to charter the Sevier county turnpike road.

Said bill was then read a third time and passed and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 306, to authorize guardians of minors, idiots, and lunatics to receive and remove from this State any property to which ward may be entitled when both guardian and ward reside out of this State.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 59, nays 4.

Those who voted in the affirmative are,

Messrs Alexander, Anderson, Avery, Black, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Eubank, Fairbairn, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Kianey, Lauderdale, Lenoir, McGinnis, Maury Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Trott, Turney, Tylet, Walker of Williamson, Waan, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs Hughes, Turner, Walker of Hickman, and Williams.

So said bill passed on its third and last reading in this House and was ordered to be engrossed and transmitted to the Senate.

The house took up a bill, No. 310, to authorize the county trustees for Bedford county to collect certain school moneys.

Mr. speaker Barringer offered the following amendment to said bill:

Be it enacted, That it shall be the duty of the county surveyor for the county of Bedford to take into his possession the books and papers of the late surveyor for the second surveyors district and that he be authorized after taking the oath prescribed for his qualifications to give certified copies of any official papers in said office and receive the same fees allowed by law to the late surveyor of the 2d district for the like services, which copies certified under the hand of the said surveyor of the county of Bedford, shall be received in evidence in any court of law or equity.

Which amendment was adopted.

The caption was then amended: said bill as amended was then read a third time and passed; and was ordered to be engrossed and transmitted to the Senate.

The Speaker of this House has signed the following enrolled bills and resolutions from the Senate:

An act to incorporate the Franklin wharf company, in the town of Clarksville, Montgomery county, and for other purposes.

An act to authorize the county court of Marshall county to appropriate certain moneys for expenses in defending a suit for the benefit of said county.

A resolution to refund to Samuel McGee, late sheriff of Warren

county, certain moneys paid into the Treasury by mistake; and

A resolution authorising the Governor to appoint commissioners to investigate the branch bank of the bank of Tennessee at Athens.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

WEDNESDAY, JANUARY 17th, 1834.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the non-concurrence of the House to Senate's amendment to a bill from the House, No. 185, to amend the laws to improve the navigation of the rivers in the Western District; and upon further consideration the Senate insist upon their said amendment; and the same is herewith transmitted.

The Senate have taken up and considered the non-concurrence of the House to Senate's several amendments to the following bills from the House:

A bill, No. 58, to continue the encouragement of the culture of silk in the State of Tennessee; and

A bill, No. 178, to establish the county of Hancock.

And the Senate, upon further consideration, recede from their said amendments; and said bills are herewith transmitted.

The Senate have taken up and considered the amendment of the House to Senate's amendment to a bill, No. 189, to incorporate Philomathesian Society of Memphis and the Chi Delta Society of East Tennessee University, and had concurred therein, and the same is herewith transmitted.

The Senate have taken up and rejected, a bill from the House, No. 195, to reduce the fees of clerks of county courts on settlement made with guardians; and the same is herewith transmitted to the House.

The Senate concur in the amendments of the House to a resolution from the Senate as follows:

A resolution directory to the President of the Bank of Tennessee; and a resolution directory to the superintendent of public instruction or Comptroller of the treasury.

The Senate have taken up and considered, a resolution from the House, instructing our Senators and requesting our representatives in Congress, to give their support to a bill for refunding a fine imposed upon General Andrew Jackson, by the District Judge at New Orleans in 1815, and have nonconcurred therein; and the same is herewith transmitted.

The Speaker of the Senate has signed an enrolled bill of the Senate entitled, an act to amend the laws for the collection of the revenue of the State; and the same is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk acquaint the Senate therewith.

Mr. Mory, from the Committee on Enrolled Bills, reported that the committee had examined the following bills:

A bill, No. 267, to incorporate the Livingston and Monroe turnpike company in Overton county.

A bill, No 269, to adjust the boundary line between this State and the State of Kentucky.

A bill, No 272, providing for but one doorkeeper to the House of Representatives.

A bill, No. 283, to authorise the President and Directors of the Bank of Tennessee to draw upon the treasurer in case of a deficiency in the means to meet its liabilities.

A bill, No. 282, to incorporate all the towns in this State not heretofore incorporated, and to prevent expensive legislation; and,

A bill, No. 310, to authorise the County Trustees for Bedford county, to collect certain school moneys, and for other purposes, and find the same as correctly engrossed.

The committee had also examined the following enrolled bills and resolutions:

An act to authorise the sale of common school lands in the State of Tennessee, at the wish of the citizens of the township, where said lands may be situated.

An act to amend an act, entitled an act to establish a State Bank, to raise a fund for internal improvements, and to aid in the establishment of a system of education an act, supplement thereto; and a resolution directory to the comptroller of the treasury, to receive certain lands from the old Nashville Bank, and found the same truly enrolled.

The Speaker of the House thereupon, signed said enrolled bills and resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof:

Mr. Hodsdon, from the Committee on Education, to which had been referred a bill, No. 315, to amend the laws in relation to common schools, reported that the committee had had the same under consideration, and had instructed him to report sundry amendments thereto, and with said amendments to recommend the passage thereof:

First amendment strike out the first section of the bill and insert in lieu thereof, the following, constituting two sections, "that when it may be convenient upon account of distance, streams, or other impediments, for any child or children to attend the common school houses in their own district, application may be made to the Common School Commissioners, whose duty it shall be to give a certificate of the amount of common school money to which such child or children may be entitled *pro rata* in his or their district, and such certificate shall be received by the teacher of common schools in an adjoining district, either in the same, or in a different county, who shall admit such child or children into his school, as long as the amount of said certificate will pay his or their tuition at the rate the school is taught, and it shall be the duty of the County Trustee, to pay to the teacher or his order, the amount of such certificate, and charge the same to the district wherein the child or children may reside, provided the person applying for the same, shall have the written order of the board of Common School Commissioners of the district wherein the school was taught, showing that he is entitled according to the provisions of an act passed December 30th, 1843, to receive the same.

Section 3d. *Be it enacted*, That it shall, and may be lawful for the county court of any county in the State, two thirds of the acting Justices of the Peace being present, and a majority of the same concurring therein, to alter and change the time of any school district or districts in their respective counties, when, upon application, it may appear to them right and proper to make such change or alteration."

And the question being taken on striking out, as recommended, it was determined in the negative, yeas 23, nays 47.

The ayes and noes, No. 380, being called for by Mr. Black and ordered by the House.

Those who voted in the affirmative are,

Messrs. Boddie, Bone, Brooks, Carson, Cheatham, Eubank, Goode, Hamilton, Holsden, Hord, Jourdan, Kinney, Lenoir, Marr, Maury, Morrow, Rodgers, Sherrill, Tyler, Walker of Hickman, and Walker of Williamson.

Those who voted in the negative are;

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Burrus, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Duggan, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Houston, Huddleston, Hughes, Humphreys, Lauderdale, M'Ginnis, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Nave, Rawlings, Richardson, Roach, Scott, Smart, Trice, Trimble, Trott, Turner, Turney, Wann, Wheeler, and Mr. Speaker Barringer.

So the House refused to strike out; and said amendment was rejected.

Second amendment of Committee add, after the word "districts" in the 4th line of the 5th section, the following words "or make or lay off new districts;" which amendment was adopted.

On motion the bill was further amended.

Said bill as amended was then read a second time and passed.

Mr. Holsden from the same committee to which had been referred, a resolution from the Senate, No. 191, in relation to the payment of the expenses of defending the title of the Toqua School Section, in Monroe county; returned the same without amendment and to recommend its rejection.

Said resolution was read a second time and passed.

Mr. Moorman, who had withdrawn for amendment, A bill from the Senate, No. 193, to incorporate the Richland Turnpike Company; returned the same with an amendment, which proposes to strike out the fifth section of the bill.

Pending the discussion on said amendment.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendment offered by Mr. Moorman, pending when the House adjourned on this morning.

And the question being taken on striking out as moved by Mr. Moorman, it was determined in the affirmative, yeas 40, nays 29.

The ayes and nays No. 382, being called for by Mr. Trimble and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Brooks, Burrus, Cheatham, Cherry, Cross of Madison, Crouch, Crudup, Farquharson, Fisher, Glenn, Gordon, Holsden, Hord, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, M'Ginnis, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Polk, Richardson, Rodgers, Smart, Trimble, Trott, Turner, Tyler, Walker of Hickman, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Bone, Carson, Cleveland, Coggin, Cross of Sullivan, Deavenport, Duggan, Edwards, Eubank, Garner, Goodall, Goode, Hamilton, Houston, Huddleston, Maury, Moores, Morris, Morrow, Nave, Rawlings, Scott, Trice, Turney, Walker of Williamson, Wann, and Wyley.

So said amendment was adopted.

Mr. Walker of Williamson moved to strike out "one mile" in the fifth line of the 4th section, and insert in lieu thereof "beyond Cochrells spring."

Mr. Gordon moved the 'previous question' which was seconded by majority of all the members present.

The question was then taken "shall the main question now be put?" which being determined in the affirmative.

The main question was then taken "shall the bill pass?" and was determined in the affirmative, yeas 50, nays 19.

The ayes and noes, No.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Edwards, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Milligan, Moorman, Polk, Rawlings, Rodgers, Scott, Sherrill, Smart, Trice, Turner, Trott, Tyler, Walker of Hickman, Wann, Wheeler, and Williams.

Those who voted in the negative are.

Messrs. Bond, Burrus, Carson, Cleveland, Deavenport, Duggan, Eubank, Goodall, Maury, Miller of Marshall, Moores, Morris, Morrow, Nave, Richardson, Roach, Trimble, Turney, and Walker of Williamson.

So said bill passed on its second reading in this House,

Mr. Wheeler, who had withdrawn for amendment a bill from the Senate, No 132, more effectually to enable the creditors of deceased persons to collect their debt out the real estate of such deceased persons,

Returned the same without amendment said bill was ordered to its place on the calendar amongst said Senate's bills, on their third reading.

Mr. Bond, from the Select Committee, to which had been referred, a bill No. 238, to prescribe the manner of giving notice to endorsers and assignors.

Reported a bill in lieu of said bill from the enacting clause, and with said amendment to recommend the passage thereof; which amendment was adopted.

Mr. Anderson moved a reconsideration of the vote just taken adopting said amendment.

Mr. Walker of Williamson moved the previous question, which being seconded by a majority of all the members present,

And the question was then taken "shall the bill pass?" and determined in the affirmative, yeas 50, nays 19.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Cheatham, Cherry, Cleveland, Cross of Madison, Crouch, Crudup, Deavenport, Duggan, Farquharson, Fisher, Garner, Goodall, Goode, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Lenoir, Maury, Miller of Marshall, Milligan, Moores, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Turner, Turney, Tyler, Walker of Hickman, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bond, Carson, Coggin, Cross of Sullivan, Glenn, Gordon, Hamilton, Kinney, McGinnis, Major, Miller of Hardeman, Moores, Scott, Trimble, Trott, Walker of Williamson, Wann, and Wyley.

So said bill passed its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

A message from his Excellency the Governor, by John S. Young, Secretary of State.

Which was read at the clerk's table, and is as follows:

EXECUTIVE DEPARTMENT,
Nashville, January 17th 1844. }

Gentlemen of the Senate and House of Representatives:

By the provisions of the law establishing the Bank of Tennessee, it is made the duty of the Governor to nominate at each regular session of the General Assembly, twelve persons to serve as directors for two years.

In conformity with the requirements of the law, I submit the names of the following persons as directors for the Bank of Tennessee:

William Nichol Geo W. Martin Andrew Ewing, M. McDonough, Wm. P. Shepherd, E P Connell, C. Connor, Thomas Barry, Timothy Walton, L. B. Suttle, Levi Wade, and Robert, C. Foster, Jr.

JAMES C JONES.

Mr. Richardson moved that said nominations be confirmed by the House.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 59, nays, 11.

The yeas and nays, No. 385, being called for by M. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Aery, Black Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Cridub, Deavenport, Duggin, Eubank, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden Hord, Houston, Hughes, Humphrey, Joulan, Kinney, Linderdale, Lenoir, McGinnis, Marry, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Trott, Turner, Tyler, Walker of Williams, Wann, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Edwards, Farquharson, Fisher, Glenn, Huddleston, Miller of Hardeman, Miller of Marshall, Poik, Turney, Walker of Hickman, and Wyley.

So said amendment was agreed to by the House, and the nomination confirmed

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed, with sundry amendments thereto, the following bills from the House:

A bill, No. 218, to authorize the payment of money to the Nashville, Charleston, and Cincinnati Railroad, and to cancel the State bonds, issued to said company.

A bill, No. 233, to incorporate the Citico turnpike company.

A bill, No. 245, to authorize John Strutton to open a turnpike road.

A bill, No. 247, supplemental to an act, passed at the present General Assembly, entitled "an act to authorize the clerks of the supreme court to furnish new counties with the reports of the supreme court."

A bill, No. 253, to change the name of Tusculum Academy, to Tusculum College; and

A bill, No. 254, to authorize Justices of the peace to issue subpoenas.

na, for witnesses to adjoining counties; which bills are herewith transmitted.

The Senate have taken up and adopted.

A resolution, No. 115, directory to the Bank of Tennessee.

Which is here with transmitted, and the concurrence of the House there in is requested.

The Senate have taken up and considered the nonconcurrence of the House to Senate's amendment of the 1st section, and the concurrence of the House in Senate's other amendments, as amended by the House to "A bill from the House, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in De Kalb county.

And on further consideration the Senate recede from their amendment to the first section, and nonconcur in the amendments of the House to Senate's amendments, and said bill is herewith transmitted.

The Senate have taken up and considered the non-concurrence of the House in Senate's amendment to a bill from the House, No. 185, to amend the laws to improve the navigation of the rivers in the Western district.

And on further consideration, the Senate insist upon said amendment, and the same is herewith transmitted.

The Speaker of the Senate has signed the following enrolled bills and resolutions from the House:

An act to authorise the sale of common school lands in the State of Tennessee at the wish of the citizens of the townships where said lands may be situated.

An act to amend an act entitled "an act to establish a State bank to raise a fund for Internal Improvements, and to aid in the establishment of a system of education," and an act supplemental thereto and.

A resolution directory to the comptroller of the treasury to receive certain lands from the old Nashville bank.

Ordered that the clerk deposit the same in the office of the secretary of State.

The House took up the message from the Senate insisting on their amendment, which was concurred in by the House.

A bill, No. 185, to amend the laws to improve the navigation of the rivers in the Western district.

Mr. Miller of Henderson, moved that a Committee of Conference be appointed to take into consideration the disagreement of the two Houses on said bill; which motion was agreed to by the House.

The Speaker thereupon announced the appointment of Messrs. Miller of Henderson, Bone, and Marr, to be of said committee on the part of the House.

The House took up Senate's amendment to a bill from the House, No. 218, to authorise the payment of money to the Louisville, Charleston and Cincinnati rail road, and to cancel the State bonds issued to said company; which amendments are as follows:

First amendment, provided this act shall not affect the claims of East Tennessee on the compromise entered into under the provisions of an act passed the 19th day of January 1838, establishing a State Bank to raise a fund for Internal Improvement.

Second amendment, or the claims that the Western district may have to any balance unappropriated under the provisions of the act passed 19 h January, 1838.

Mr. Bond moved a non-concurrence in said amendments.

And the question being taken on con-concurring in said amendment it was determined in the negative: yeas 25, nays 36.

The yeas and nays, No. 386, being called for by Mr Kinney and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Burrus, Bedsoe, Carson, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Edwards, Hodson, Lord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Milligan, Morrow, Nave, Rawlings, Sherrill, Wann, and Wheeler

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bobo, Bond, Bone, Brooks, Cheatham, Cherry, Coggin, Crudup, Esbank, Farquharson, Fiske, Garner, Goode, Gordon, Hamilton, Jourdan, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Moores, Morris, Richardson, Roach, Rogers, Smart, Trimble, Trott, Turner, Tyler, Walker of Hickman, Wyley, and Mr. Speaker Barringer.

So said amendment of the Senate was non-concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment, to the following bills from the House.

A bill, No. 233, to incorporate the Citico turnpike company; and

A bill, No. 243, to authorise the different religious denominations in this State to hold land not exceeding five acres in quantity; in which several amendments of the Senate the house concur

Ordered that the clerk acquaint the Senate therewith.

Mr. Marr, presented the the following protest, which was read and ordered to be placed on the Journals of this house,

The undersigned members of the House of Representatives, dissent from and protest against the vote of the House, given on the 13 h inst. upon a resolution "to instruct the Senators, and request the Representatives from this State in the Congress of the United States, to advocate the passage of a law providing that the sum of one thousand dollars paid by Gen'l. Andrew Jackson as a fine imposed on him at New Orleans, on the 31st day of March, 1815, be repaid to him together with the interest, at the rate of six per cent. a year since then, out of any money in the treasury not otherwise appropriated."

1st. Because the preamble to said resolution states as reason for its adoption, "Whereas, a fine was imposed upon Gen'l Andrew Jackson at the close of the late war by the presiding Judge of the district court of the United States, at New Orleans, for an alleged contempt on his part, of the authority of the court" And whereas, "the Legislature are persuaded that the measure which occasioned its imposition, had its origin in a patriotic desire to promote the public services," be it therefore resolved, &c.

Thus affecting to apologise for General Jackson as if his conduct

had been criminal, and placing the resolution recommending the restoration of his fine upon the grounds that the Legislature "are persuaded" he had a good motive for what he did, which amounts not only to an admission, but is equivalent to a charge that General Jackson had been guilty of the alleged contempt, and legally liable to the fine imposed, for if not legally liable, why refuse (as the House did refuse by a strict party vote) to say it was "wrongfully imposed?"

And if not guilty of the alleged contempt, why the equivocal apology, that the Legislature "are persuaded" that the measure which occasioned its imposition had its origin in a good motive?" How unkind to cast such a stigma on the character of a distinguished citizen while professing to do him justice!

His friends ask the restoration of his fine because it was wrongfully imposed—they would not ask it for any other. Why offer another? when that is sufficient and known to be true. All know it was the existence of martial law at New Orleans, in the winter of 1815, by Gen. Jackson, against Judge Hall, that induced the latter to impose the fine referred to on the 31st of March after; we will say nothing of the law of contempts, on the power of Judges in this respect, it is enough to say that General Jackson, appointed by the president, and qualified by his Creator for the defence of New Orleans, took military command of the place, included it in his camp, declared the law martial, restrained traitors from their treachery, and made the timid battle in self defence. By these means the city was defended, and her beauty and booty preserved. All approved the course when adopted, and all rejoiced in its ultimate success. It was only applying the law of nations, the law of self defence, to an army and a city. It was for obeying this great law of our nation, this law which God has given to man under all the conditions of his existence, that Gen. Jackson was fined.

This fact is known to all who know our history, and all know when acting in obedience to this great law of nations the paramount law of all the earth, he was not in contempt, but in duty. The President approved his course—Heaven smiled upon it—Congress voted him their thanks—the State Legislatures have honored him—and the hearts of our people have overflowed with gratitude for his services—and Tennessee has become a proud name throughout the world.

G. W. L. MARR,

JAMES M. HORD,

W. T. SCOTT,

SAMUEL MILLIGAN,

HENRY TROTT, jr.

THOMAS D. DEAVENPORT.

The House took up the message from the Senate receding from the amendment of the Senate's amendment to the first section and nonconcur to the amendments of the House to Senate's amendment to a bill from the House, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb.

Pending the discussion on said message, the House adjourned.

THURSDAY, JANUARY 11th, 1844

The House met pursuant to adjournment.

Mr. Bond, who had withdrawn for amendment a bill from the Senate, No. 168, to change times of holding certain circuit and chancery courts, returned the same with the following amendment: Strike out "in the 3d Mondays in June and December, and insert in lieu thereof "the 3d Mondays in March and September," and strike out "the 4th Mondays in June and December," and insert in lieu thereof "the 4th Mondays in March and September;" said bill and amendment was ordered to its place on the calendar amongst Senate's bills on their third reading.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed the following bills:

A bill, No. 152, to tax race tracks and race horses.

A bill, No. 234, to provide for the election of a clerk of criminal court of Davidson county; and

A bill No. 236, to reduce the capital stock of the Bank of Tennessee, and for other purposes; and the same is herewith transmitted and the concurrence of the House in the passage thereof is requested.

The Senate have taken up and considered the amendments of the House to the amendments of the Senate to a bill from the House No. 210, to authorize Alexander H. Montgomery and Robert Qualis to open a turnpike road, and for other purposes, and have concurred in said amendments of the House to Senate's amendments, and the same is herewith transmitted.

The Senate have taken up and considered a resolution from the House No. 258, amendatory, of the Constitution of Tennessee in relation to the establishment of a new county out of the county of Obion; in which resolution the Senate nonconcur, and the same is herewith transmitted.

The Speaker of the Senate has signed an enrolled resolution of the Senate entitled, a resolution directory to the Superintendent of Public Instructions or Comptroller of the Treasury; which is herewith transmitted for the signature of the Speaker of the House of Representatives; the Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk acquaint the Senate therewith.

On motion Mr. Good,

The House took up a bill, No. 265, to raise additional revenue, and to preserve the public faith and credit, which was made the special order of the day for yesterday.

Said bill was then read a second time and passed.

On motion of Mr. Farquharson:

The House suspended the rules of the order of business and took up a bill from the Senate, No. 188, to preserve the faith and credit of the State, to raise revenue, and preclude the necessity of reducing the amount distributed annually, under the existing laws for the support of common schools.

Mr. Speaker Barringer. (Mr. Farquharson in the chair,) moved to amend said bill by striking out all from the enacting clause and insert in

Then thereof a bill, No. 317, to restore the capital of the Bank of Tennessee, to provide a fund for the redemption of the bonds of the State and more effectually to aid the cause of education.

Pending the discussion on said amendment the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Roach, who had withdrawn for amendment, a bill No. 211, to equalise the labors of the Judges of the 4th, 5th, and 13th circuits, returned the bill with an amendment in lieu of the whole bill from the enacting clause; said bill and amendment was ordered to its place on the calendar amongst Senate's bills on their third reading.

Mr. Brooks, who had withdrawn for amendment a bill from the Senate, No. 78, to change the times of holding the circuit and chancery courts therein named, returned the same with the following amendment: "Strike out the second section and insert in lieu thereof the following:

Sec. *Be it enacted*, That circuit courts for the county of Cannon shall be hereafter held on the fourth Mondays of April, August and December—and the circuit courts for the county of Bradley on the first Mondays of January, May and September, and the circuit courts for the county of Maigs, on the fourth Mondays of April, August and December.

Said bill and amendment was ordered to its place on the calendar amongst bills on their third reading.

On motion of Mr. Black,

The House took up A bill No. 253, to alter the county line between the counties of Giles and Marshall.

Ordered that said bill be placed on the calendar amongst bills on their third reading.

Mr. Milligan moved a reconsideration of the vote of the House adopting a proviso as amended to said bill.

Which motion was laid on the table.

The House resumed the consideration of the amendment offered by Mr. Speaker Barringer in lieu of Senate's bill No. 188, pending when the House adjourned this morning.

Mr. Crudup moved that said bill, and all other revenue bills on the subject of revenue, be referred to a select committee of five members.

And the question being taken on agreeing to said motion, it was determined in the negative—Yeas 6, Nays 64.

The yeas and nays, No. 387, being called for by Mr. Farquharson and ordered by the house,

Those who voted in the affirmative are,

Messrs. Anderson, Bobo, Crudup, Duggan, Marr, and Morrow.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Eledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan,

Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

So said motion was disagreed to by the House.

Mr. Farquharson moved to amend said amendment by striking out the four first sections of said amendment.

On motion, Mr. Anderson, with the consent of the House withdrew said amendment.

Mr. Farquharson moved to amend said Senate's bill by striking out all from the enacting clause and insert in lieu thereof, the fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections of the amendment offered by Mr. Speaker Barringer.

Which amendment was withdrawn.

Mr. Carson offered the following amendment in lieu of said Senate's bill:

Be it enacted by the General Assembly of the State of Tennessee, That the Bank of Tennessee shall be put in a state of liquidation in such manner as shall be prescribed by the Legislature by investing the capital stock of the Bank in the purchase of the bonds of the State, as fast as the same can be done consistent with the interests of the people of the State, and thereby secure the capital stock of the Bank from loss as far as possible, and the interest on all bonds of the State, so purchased, shall be annually applied to the support of common schools.

Mr. Trimble moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put? and determined in the affirmative—Yeas 49, Nays 21.

The ayes and nays being called for by Mr. Farquharson, and ordered by the House,

Those who voted in the affirmative are,

messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cleaveland, Coggin, Cross of Madison, Crydup, Duggan, Edwards, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

messrs. Anderson, Bobo, Carson, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Hughes, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Polk, Scott, Trott, Turney, and Wann.

So the House agreed the main question should be now put.

The main question was then taken, shall the bill as amended pass? and was determined in the affirmative—Yeas, Nays 34.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Crudup, Duggan, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moors, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Turner, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardman, Miller of Marshall, Milligan, Nave, Polk, Scott, Smart, Trott, Turney, Walker of Hickman, Wann, and Wyley.

So the bill passed on its third and last reading in this House.

Mr. Farquharson moved to amend the caption of said bill by striking out all but, A bill to raise additional revenue

Mr. Goode moved the previous question; which was seconded by a majority of all the members present.

The main question was then taken, shall the main question be now taken? and was determined in the affirmative.

The question was then taken on the adoption of the caption to said bill and was determined in the affirmative.

Ordered that clerk acquaint the Senate therewith.

The House took up the message from the Senate resending their amendment to the first section and non-concurring in the amendments of the House to Senate's other amendments to A bill from the House No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb, pending when the House adjourned on last evening.

Mr. Miller of Hardeman, moved to lay said bill on the table; which was disagreed to by the House.

Mr. Rodgers moved that the House recede from its amendments to said Senate's amendment; which motion was disagreed to by the House.

Mr. Black moved that the House adhere to its amendment to said Senate's amendment; which motion was agreed to by the House.

Mr. Bledsoe moved a reconsideration of the vote just taken, which motion was laid on the table.

The House took up a bill from the Senate, No. 236, to reduce the capital stock of the Bank of Tennessee, and for other purposes.

And the question being taken "shall the bill pass," it was determined in the negative.

The ayes and noes, No. 390, being called for by Mr. Kinney and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bond, Bone, Carson, Cleveland, Cross of Madison, Crouch, Edwards, Fisher, Goode, Hodsden, Hord, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Milligan, Moorman, Morrow, Nave, Rawlings, Scott, Sherrill, Wann, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Black, Bobo, Boddie, Brooks, Burrus, Cheatham, Cherry, Coggin, Cross of Sullivan, Deavenport, Eubank, Farquharson, Glenn, Goodall, Gordon, Hamilton, McGinnis, Miller of Hardeman, Miller of

Marshall, Moores, Morris, Richardson, Roach, Rodgers, Smart, Trice, Trimble, Scott, Turner, Turney, Tyler, Walker of Hickman, and Mr. Speaker Barringer.

So said bill was rejected.

Ordered that the Clerk acquaint the Senate therewith.

On motion, the House suspended the rule, and Mr. Farquharson moved that the sitting of the House on to night be dispensed with.

Which motion was agreed to by the House.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, 19th JANUARY, 1844.

The House met pursuant to adjournment.

A message from the Senate by Mr. Cocke their Clerk :

MR. SPEAKER: The Senate have read a third time and passed, with ready amendments thereto, the following bills from the House:

A bill, No. 226, to repeal a resolution directory to the surveyor of the Hiwassee district, and the entry taker of the Ocoee District; and

A bill, No. 119, to incorporate a manufacturing company at Winchester, in Coffee county; which bills and amendments are herewith transmitted, and the concurrence of the House in said amendments is requested.

The senate have read a third time and passed, a bill, No. 227, to amend the criminal laws of this state in relation to the trial and punishment of accessories, and the same is herewith transmitted and the concurrence of the house in the passage thereof is requested.

The senate have read a third time and passed with an amendment thereto the following bill from the House:

A bill, No. 250, to incorporate the Williamsport bridge company and to encourage the navigation of Duck river; and the same is herewith transmitted, and the concurrence of the House in said amendment is requested.

In obedience to an order from the senate, I herewith transmit the report of the commissioners appointed to investigate the Bank of Tennessee at Nashville, the branch of the bank of Tennessee at Trenton, and the branch of the bank of Tennessee at Sparta, in accordance to a message from the House of Representatives requesting their transmission.

Mr. Gordon, from the Committee on New Counties and County Lines, to which had been referred, a bill from the Senate, No. 165, to establish the seat of justice of Putnam county, reported said bill without amendment and recommended the passage of the bill as amended.

Said bill was then ordered to its place on the calendar among bills on their third reading.

On motion of Mr. Farquharson,

The House took up the motion of Mr. Speaker Barringer to reconsider the vote of the House rejecting a resolution reported by the joint select committee on the memorial of the securities of R. H. McEwen, late superintendent of public instruction; which motion to reconsider was agreed to by the House.

Mr. Farquharson offered the following amendment in lieu of said resolution reported by the committee:

Whereas, a suit is now pending in the Supreme Court of this State

In the name of the Governor of the State and others, against Robert H. McEwen, and his securities; and some of said securities have petitioned the Legislature for relief, for reasons set forth in their memorial; therefore

Resolved by the General Assembly of the State of Tennessee, That William Carroll, Willoughby Williams, and Nicholas Hobson, of Davidson county, and John Marshall, of Williamson county, be, and they are hereby appointed commissioners to compromise and settle with the securities of Robert H. McEwen, late superintendent of public instruction, the matters of controversy in said suit upon principles of right and justice towards the securities, and to the best interest of the school fund.

Resolved, further, That the compromise and decision of said commissioners, or a majority of them, when made and returned into said court, shall become the judgement of the court so far as the securities are concerned, and for any sum that may be awarded against them they may have time in the discretion of the court or commissioners to pay the same upon its being secured to the satisfaction of the court; Provided, however, that on the compromise and settlement proposed, the securities shall admit and recognise the validity and force of the bonds given by them as the securities of said superintendent; and provided, further, that the securities of Robert H. McEwen shall cause him to secure to the satisfaction of the court, by a lien on his lands in this or any other State or otherwise, the amount of college or academy funds or claims received by him for which his securities may not be liable.

Provided, That nothing herein contained shall be construed to stop proceedings against, or lessen the liability of Robert H. McEwen, superintendent of public instruction; which amendment was adopted.

Mr. Farquharson then moved to amend said amendment as adopted by the following:

Resolved, That two months shall be allowed as time for the return of the report of the commissioners, and for the securities to give the security required, and if the whole shall not be accomplished in the time proposed, the securities shall be liable as though this resolution had not passed; which amendment was adopted.

Mr. Brooks then moved the previous question; which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put? which being determined in the affirmative, the the main question was then taken, shall the resolution as amended be adopted? and was determined in the affirmative, yeas 42, nays 28.

The yeas and nays, No. 391, being called for by Mr. Miller of Hardeman, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Cheatham, Coggin, Cross of Madison, Crudup, Duggan, Farquharson, Goode, Hamilton, Hodsdon, Houston, Hughes, Humphreys, Jordan, Kinney, Lenoir, Maury, Miller of Marshall, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Sher-

Hill, Trice, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bobo, Burrus, Carson, Cherry, Cleaveland, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Gordon, Hord, Huddleston, Lauderdale, McGinnis, Marr, Miller of Hardeman, Milligan, Moores, Polk, Turner, Warr, and Wyley.

So said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Enrolled Bills, reported that the committee had examined an engrossed bill entitled, a bill, No. 288; to prescribe the manner of giving notice to endorsers and assignors, and found the same as correctly engrossed.

Mr. Maury, from the same committee, reports as truly enrolled bills of the following titles:

An act to continue the encouragement of the culture of silk in the State of Tennessee.

An act to authorise A. H. Montgomery, of Bledsoe county, and Robert Qualls, of Hamilton county, to open a turnpike road, and for other purposes.

An act to incorporate the Citico turnpike company.

An act to authorise John Strutton, to open a turnpike road.

An act to change the name of Tusculum Academy to Tusculum College.

An act to authorise the different religious denominations in this State, to hold land not exceeding five acres in quantity.

An act supplemental to an act passed at the present General Assembly, entitled "an act to authorise the clerks of the supreme court to furnish new counties with the reports of the supreme court:

An act to incorporate the Philomathesian society of Memphis, and the Chi Delta society of the East Tennessee University, and the Philomathesian society of East Tennessee University.

An act to authorise justices of the peace to issue subpoenas for witnesses to adjoining counties.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate concurred in the amendments of the House to "a bill from the Senate, No. 188, to preserve the faith and credit of the State, to raise revenue and preclude the necessity of reducing the amount distributed annually under the existing laws for the support of common schools.

I am directed to request the retransmission of a resolution to the Senate, amendatory of the Constitution of Tennessee, in relation to the establishment of a new county out of a part of Obion; which resolution was reported to the House of Representatives as rejected by the Senate.

The Senate have read a third time and passed, "A bill, No. 204, to provide for the collection of the dividends of the State on her stock, is

Internal Improvements," and for other purposes; which is herewith transmitted, and the concurrence of the House in the passage thereof is requested.

The Speaker of the Senate has signed the following enrolled bills from the House:

An act to continue the encouragement of the culture of silk in the State of Tennessee.

An act to authorise Alexander H. Montgomery, of Bledoe county, and Robert Qualls, of Hamilton county, to open a turnpike road.

An act to incorporate the Citico turnpike company.

An act to authorise John Strutton to open a turnpike road.

An act to change the Tusculum academy, to Tusculum college.

An act to authorise the different religious denominations in this State to hold land not exceeding 5 acres in quantity.

An act supplemental to an act passed at the present session of the General Assembly, entitled "an act to authorise the clerks of the supreme court to furnish new counties with the reports of the supreme court."

An act to incorporate the Philomathesian society of Memphis, and the Chi Delta society of East Tennessee University, and the Philomathesian Society of East Tennessee University; and

An act to authorise Justices of the Peace to issue subpoenas for witnesses to adjoining counties; and the same are herewith transmitted.

Ordered that the clerk deposit the same in the office of the Secretary of State.

Mr. Polk, from the Committee on the Penitentiary, to which had been referred, "A bill from the Senate, No. 176, to regulate the government of the Penitentiary;" reported that the committee had had the same under consideration, and had instructed him to report said bill with the following amendments, and with said amendments to recommend the passage of the same: "Strike out after the 6th section of the bill, and insert in lieu thereof the following:

Sec 7. Be it enacted, That from and after the passage of this act, no convict who may be sent to the Penitentiary, shall be put to any mechanical trade in said Penitentiary unless the convict shall be a mechanic, and in that case he shall be put to the trade or occupation that he followed before his conviction: but in all cases of convicts who are hereafter sent to said Penitentiary, the convict thus sent, shall, together with such hands as can be spared from the Penitentiary and State House, be employed by the Superintendent in enlarging the ground of said prison, increasing the buildings of said prison, making a dining and hospital rooms in said prison, enlarging and improving the shops of said prison, and in erecting a rope walk, suitable buildings or shops for carrying on a cotton bagging, coarse woollen carpeting, and hardware factories, and establishing said factories within said Penitentiary: and if said works or factories are completed within the next ensuing five years, then, and in that case, the convicts which may be sent within that time, to be put to the above branches of business unless the convicts be mechanics, in that case; to be worked at their trade as before provided.

Sec. 8. Be it enacted, That the inspectors are hereby authorised and required to cause to be erected at some convenient place on the grounds of the said prison, a suitable store house, for the purpose of vending such wares and manufactures as may be made in said prison, and the sales thereof shall be made for cash only.

Sec. 9. Be it enacted, That the inspectors may employ such clerk or clerks as may be necessary for the management of said store, and shall award him or them such compensation for their services as they deem adequate; and before they shall enter on the duties of their employment, shall give bond with sufficient security, to the Governor of the State, for the time being, in such amount as may be deemed satisfactory.

Sec. 10. Be it enacted, That it shall be the duty of the principal clerk to pay into the Bank of Tennessee, weekly, the amount of all sales made, and the receipts of the cashier thereof shall be a good voucher in his settlement with the inspectors, which shall be made quarterly, and that the inspectors may draw upon the Bank for any moneys so paid in as may be necessary to defray the expenses of said prison.

Sec. 11. Be it enacted, That the Superintendent and inspectors shall as soon as practicable, enlarge the prison by adding as many cells as can be added to the present buildings, or as many as may be required for the convicts hereafter sent to prison.

Sec. 12. Be it enacted, That the Superintendent shall not only put in operation the manufacturing of ropes and cotton bagging, coarse woollens, carpeting, hardware, the manufactory of saddle trees, harness, and buckles, but that he shall, from time to time, establish such other branches of business as will least interfere with the mechanics of the State, so that at no time hereafter, the Penitentiary be made a charge upon the Treasury.

Mr. Walker of Hickman moved for a division of the question.

The question was then taken on striking out as amended by the committee; which was agreed to by the House.

Mr. Black moved to strike out the seventh section of said amendment.

Pending the discussion on said motion the House adjourned.

AFTERNOON SESSION.

The house met pursuant to adjournment.

And resumed the consideration of the motion of Mr. Black, pending when the House adjourned this morning, and after some discussion thereon said motion was withdrawn.

Mr. Black then moved a reconsideration of the vote taken on this morning, striking out all after the 8th section, in Senate's bill.

Mr. Nave moved the previous question, which being seconded, said motion was disagreed to by the House.

Said vote was then re-considered.

Mr. Black then moved to amend said Senate's bill by striking out the 8th and 9th sections in said bill.

Mr. Trott moved that said bill be laid on the table; which was disagreed to by the House.

The question was then taken on striking out, as moved by Mr. Black, which was agreed to by the House.

Mr. Polk moved to strike out all of that part of the third section that relates to corporeal punishment.

Mr. Cleaveland moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, "shall the main question be now put?" which being determined in the affirmative,

So said bill passed on its second reading in this House.

Mr. Cross of Sullivan moved a re-consideration of the vote of the House rejecting on the 18th of this inst. a bill from the Senate, No. 236, to reduce the capital stock of the Bank of Tennessee, and for other purposes; which motion was laid on the table.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the report of the Joint Select Committee on the memorial of Mr. Edmiston and others, securities of R. H. McEwin, former superintendent of public instruction, with a resolution.

In which resolution the Senate concur, and the same is herewith transmitted.

The Speaker of the Senate has signed an enrolled bill of the Senate, entitled an act to preserve the faith and credit of the State, to raise revenue and preclude the necessity of reducing the amount distributed annually under the existing laws, for the support of common schools; which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow, from the Committee on Claims, to which had been referred a bill from the Senate, No. 121, for the benefit of James Vaughn of Monroe county: reported the same without amendment, and recommend its rejection.

And the question being taken, "shall the bill pass?" it was determined in the negative; yeas 24, nays 48.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Farquharson, Fisher, Glenn, Gordon, Hord, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Miller of Marshall, Polk, Scott, Sherrill, Trice, Trott, Turner, Walker of Hickman, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Garner, Goodall, Goode, Hamilton, Hodsder, Houston, Jourdan, Lenoir, Marr, Maury, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Smart, Trimble, Turner, Tyler, Wann, Wheeler, Williams, and Wyley.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Morrow, from the same committee, to which had been referred a memorial, No. 150, from the commissioners of Powell county, praying that the moneys which they expended in organizing said county should be refunded; reported that the committee had had the same under consideration, and had instructed him to report that the committee ask to be discharged from the further consideration thereof; which report was concurred in by the House, and the committee was discharged.

Mr. Trimble, from the Select Committee, to which had been referred a bill, No. 276, to amend the revenue laws; reported said bill with the following amendment, and with said amendment to recommend the passage thereof.

Amendment reported by the committee, strike out all after the word "Tennessee," in the 12th line of the third section, to the words "so help me God," in the 20th line of said section; which amendment was adopted.

Mr. Hord moved to strike out the 2d section of the bill; which motion was agreed to by the House, and said section was thereupon stricken out.

Mr. Bond offered the following amendment as an additional section to said bill: "It shall be the duty of the revenue commissioners appointed at the January term of the county courts for 1840 or that may hereafter be appointed to take lists of taxable property for the year 1841, to inquire for and list the articles included in an act passed at the present session of the General Assembly and not hereafter included among taxable property; which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the negative, yeas 23, nays 44.

Those who voted in the affirmative are,

Messrs. Alexander, Black, Bond, Brooks, Burrus, Carson, Cross of Madison, Farquharson, Hodsden, Hord, Houston, Jourdan, Miller of Marshall, Moores, Nave, Richardson, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Williams, Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Avery, Bledsoe, Bobo, Boddie, Bone, Cheatham, Cleaveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Goddall, Goode, Gordon, Hamilton, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Milligan, Morris, Roach, Scott, Sherrill, Smith, Trott, Turner, Turkey, Walker of Hickman, Wann, Wheeler, and Wyley.

So said bill was rejected.

Mr. Goode moved a reconsideration of the vote just taken rejecting said bill; which motion was laid on the table.

Mr. Morris, who had withdrawn for amendment a bill, No. 142, to establish a chancery court at Wayneboro', in the county of Wayne, and to abolish the chancery court at Lawrenceburg and Savannah, returned the same with an amendment in lieu of the whole bill from the enacting clause.

Said bill and amendment was then ordered to its place on the calendar amongst bills on their third reading.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

On motion of Mr. Cleaveland,

The House took up a bill from the Senate, No. 195, to amend an act passed the 12th day of November, 1842, and appointing commissioners for the improvement of Clinch river.

Mr. Houston offered the following amendment:

After the word "expense" in the 2d line of the amendment offered by Mr. Wheeler and adopted, strike out the word "such" and insert the words "the unexpended," and also the following additional section:

Sec. 9. Be it enacted, That the amount thus set apart of the Powell's river appropriation for the improvement of the road and building of bridges within the limits of Campbell and Claiborne counties, shall be expended in each of said counties in proportion to the length of said river passing through each of the aforesaid counties of Campbell and Claiborne, and that John Davis, of Hawkins county, be appointed a commissioner with all the rights and privileges and shall perform all the duties enjoined upon the commissioners appointed by the first section of this act; which amendment was adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

On motion the House took up the following bills from the table:

A bill, No. 65, to insure the punishment of slaves for capital offences; and

A bill, No. 136, to extend the jurisdiction of county courts; which bills were severally placed on the calendar amongst bills on their second reading.

The House took up a bill, No. 83, ordering criminals for capital offences to be executed within the enclosure of the prison House.

Said bill was then read a second time and passed.

Ordered that said bill be referred to the Committee on the Judiciary.

The House took up, a bill, No. 92, to amend an act passed 12th January, 1842, chapter 67, to amend the common school law, and for other purposes.

Ordered that said bill be laid on the table.

The House took up, a bill, No. 65, to ensure the punishment of slaves for capital offences.

Mr. Goodall moved to amend the bill by the following proviso: "Provided, That a tax be first laid and collected upon the slaves of this State to create a fund out of which such payments may be made.

Mr. Coggin moved the previous question, which was seconded, and the main question was then taken, "shall the main question be now put?" which being determined in the affirmative.

The main question was then taken, "shall the bill pass?" and determined in the negative; so said bill was rejected.

The House took up the following bills:

A bill, No. 136, to extend the jurisdiction of county courts.

A bill, No. 190, to change the line between Smith and DeKalb counties.

A bill, No. 209, to regulate the pay of members of the Legislature, clerks, and doorkeepers.

A bill, No. 241, to raise the rate of interest in certain cases, and to regulate the practice of shaving.

A bill, No. 311, to amend an act entitled, "an act to establish a board of commissioners for the improvement of the rivers in Tennessee East of Knoxville, passed January 26, 1838."

A bill, No. 313, to compel the commissioners of Polk county to report and pay over moneys in their hands.

A bill, No. 317, to restore the capital of the Bank of Tennessee, to provide a fund for the payment of the State debt, and more effectually to aid the cause of education.

A bill, No. 320, for the relief of stockholders of turnpike roads in this State.

A bill, No. 324, to regulate marriages, to define the duties of county court clerks in issuing marriage license, and for other purposes.

A bill, No. 325, to apply two thousand dollars to the improvement of Little Tennessee and Tellico rivers out of the five thousand dollars heretofore appropriated for the improvement of the Hiwassee river; &

A bill, No. 326, to authorize the removal of the seat of justice in Jackson county.

Which bills were severally read a second time and passed.

The House took up, a bill, No. 43, to authorize the Judges of the circuit courts in this State to appoint Sheriffs in certain cases.

Ordered that said bill be laid on the table.

The House took up the following bills from the Senate:

A bill, No. 45, to impose a tax for the use of the State on gold watches, jewelry, plate, piano fortes, except when the latter is used in schools and academies, or by teachers of music.

A bill, No. 65, to define the duties of Attorney Generals.

A bill, No. 67, to declare certain professions and civil offices to be privileges, and to impose a tax thereon.

A bill, No. 100, to supply vacancies in grand juries.

A bill, No. 172, to continue Gerard Troost Geologist of the State.

A bill, No. 174, to prescribe how city constables shall be elected in the city of Knoxville.

A bill, No. 179, to authorize the county courts of Morgan and Fentress counties to appoint commissioners on Scotts turnpike road leading through said counties.

A bill, No. 184, to attach a portion of the South-western territory of the county of Morgan to the county of Fentress.

A bill, No. 185, to provide for the registering of titles to the State and for other purposes.

A bill, No. 191, to make a more just distribution of the estates of intestates and for other purposes.

A bill, No. 193, to incorporate the Lebanon, Rome, and Carthage Turpike Company.

A bill, No. 196, to amend the charter of the Sycamore Manufacturing Company, passed on the 5th February, 1842.

A bill, No. 198, to define cases in which the State may be tax with costs.

A bill, No. 202, for the relief of persons who have or may hereafter pay to the clerks of the county courts for license authorizing them to sell goods, wares, and merchandise in this State, or any other privilege.

A bill, No. 303, to regulate the practice in the Supreme court at Nashville.

A bill, No. 205, to incorporate Antioch Turnpike Company; and

A bill, No. 208, for the relief of sheriffs; which bills were severally read a second time and passed.

The House took up a bill from the Senate, No. 209, incorporating the Tennessee Manufacturing Company.

Mr. Rodgers offered an amendment constituting the fourth and fifth sections of the bill.

The fourth section provides for incorporating the Sparta Manufacturing Company, with all the corporate powers appertaining to the Tennessee Manufacturing Company, and subject to all the restrictions contained in said charter.

The fifth section provides for incorporating the Cany Fork Manufacturing Company, with the same provisions as in the fourth section; which amendment was adopted.

Said bills as amended was then read a second time and passed.

The House took up a bill from the Senate, No. 175, to defray the expenses of the present General Assembly, with a report of the Joint Committee on Finance, which is made a part of the bill.

Said bill was then read a second time and passed.

Ordered that said bill be referred to the Committee on Finance.

The House took up a bill from the Senate, No. 182, prescribing the duty of the Directors of the Principal Bank of the Bank of Tennessee, in appointing Directors of the Branch Banks.

Mr. Morrow offered the following amendment to said bill:

Sec. 3rd. Be it enacted, That the President and Directors of the Farmers and Merchants Bank at Memphis, be, and they are hereby authorised to establish a Branch of said Bank in the town of Chattanooga, in the county of Hamilton; which amendment was adopted.

Said bill as amended was then read a second time and passed.

The House took up a bill from the Senate, No. 173, to repeal the act of 1824, chap. 20, and for other purposes.

Said bill was then read a second time and passed.

Mr. Morris asked and obtained leave to withdraw said bill for amendment.

The House took up a bill from the Senate, No. 181, to prevent frivolous and malicious prosecutions.

Mr. Rodgers offered the following amendment:

Be it enacted, That in all cases in any of the courts of this State when any defendant may be ordered to pay a fine and costs or either and said defendant shall give good and sufficient security for the same, he shall have a stay of execution until the next succeeding term of said court; which amendment was then adopted.

The House took up a bill from the Senate, No. 189 to tax goods sold at auction; which was read a second time and passed.

On motion of Mr. Trimble,

Said bill was referred to a Select Committee of three members.

Said bill as amended was then read a second time and passed.

Mr. Sperker Barringer announced the appointment of Messrs. Farquarson, Rodgers, and Tyler to compose said committee.

On motion, the House took up, a bill, No. 275, to increase the revenue of this State.

Mr. Gordon moved to amend said bill by inserting after the word "exercise" in the eighth line of the fifth section, the following: "and that I will not sell

spirituous liquors to any slave, without a written order from the master of said slave;" which amendment was adopted.

Said Bill, was amended, was then read a second time and passed.

On motion, the House took up, a bill, No. 21, to repeal a part of the twelfth section of the act of 1779, chapter 10, establishing ordinances and Tippling Houses.

Said bill was placed on the calendar amongst bills on their third reading.

The House then adjourned.

SATURDAY, JANUARY 20, 1844.

The House met pursuant to adjournment.

The Speaker presented the following communication from the Judges of the Supreme Court, now sitting in Nashville:

To the Honorable the Speaker of the Senate and House of Representatives.

The undersigned have received a copy of the resolution of the Legislature, confiding to them the duty of "appointing at their discretion, some person to revise and digest the General Statutes of the State of Tennessee, and the reports of the Supreme Court." The nature of the trust with which the Legislature has honored the undersigned, in selecting competent persons to perform the works above named, seemed to imply an expectation that they would bestow some thought upon the character of the undertaking itself. In this belief they take the liberty to suggest that the phrase "General Statutes" unattended by any qualifying term, will not perhaps leave to the revisors the discretion of omitting the land laws of the State. The great body of these laws, although of course in force as sustaining the land titles of the country, are not in use, and are from their nature incapable of revision. That portion of those laws which are in use, constitute a system to facilitate the settlement of the country and are of temporary and transient importance. The entire system, so unnecessarily encumbering the work, should, in the opinion of the undersigned, be omitted.

To this suggestion is limited the object of this communication; but as this again brings the subject under the notice of the Legislature, the undersigned beg leave respectfully to suggest that a digest of the decisions of the Supreme Court is an undertaking that presents to private enterprise the prospect of certain emoluments, and stands in less need of the public patronage. With regard to the other undertaking, a revision of the Statutes, the matter is very different, besides, it is an undertaking of paramount public importance, depending for its successful execution upon careful, laborious, and undivided study and examination of the subject, and presenting, it seems to them, ample employment for the two revisors from the time of appointment until the meeting of the next Legislature. The undersigned therefore cannot but fear that the value of the revision might be diminished by directing the labor and alteration of the revision to a distinct and independent undertaking.

With sentiments of the highest respect and consideration, the undersigned are, &c.,

W. B. REESE,

NATHAN GREEN,

W. B. TURLEY.

Which was read, and, on motion of Mr. Trimble, ordered that said communication be transmitted to the Senate.

The House took up a bill, No. 323, to establish a Chancery Court at Manchester, in the county of Coffee.

Mr. Rodgers offered the following amendment: "section *Be it enacted*, That the Chancellors of this State shall have power, and they are hereby authorized to hold special terms of said courts subject to the rules that now govern said courts."

And the question being taken on said amendment, it was determined in the affirmative, yeas 50, nays 20.

The ayes and noes, No. 394, being called for by Mr. Trott and ordered by the House.

Those who voted in the affirmative are,

Messrs Alexander, Avery, Bobo, Baddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Caggin, Cross of Sullivan, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Goode, Hamilton, Hodsden, Hord, Houston, Jourdon, Kinney, Lenoir, Lauderdale, Marr, Maury, Milligan, Moorman, Morris, Morrow, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Cherry, Crouch, Garner, Goodall, Gordon, Huddleston, Humphreys, McGinnis, Miller of Hardeman, Miller of Marshall, Moore, Rawlings, Trimble, Trott, Turner, Turney, Wyley, and Mr. Speaker Barringer.

So said amendment was adopted

Said bill as amended was then read a second time and passed.

Mr. Miller of Hardeman, submitted the following resolution, No. 190:

Resolved by the General Assembly of the State of Tennessee: That a resolution adopted at the present session of the General Assembly authorising "the Judges of the Supreme Court" to appoint two persons to revise and digest the statute laws of the State, and reports of the Supreme Court, be so amended as to authorise the persons so appointed to omit the land laws of the State not in general use, and so much of the resolution as provides for a digest of the decisions of the Supreme Court, be, and the same is hereby rescinded.

Mr. Crudup moved to amend said resolution as follows:

That the persons appointed by the Supreme Court to revise and digest the statute laws of the State shall receive only fifteen hundred dollars, "instead of three thousand."

Mr. Williams moved the "previous question," which being seconded by a majority of all the members present.

The question was then taken "on putting the main question," and being determined in the affirmative.

The main question was then taken "shall the resolution be adopted," and determined in the affirmative, yeas 44, nays 27.

The ayes and noes No. 395, being called for by Mr. Goodall, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Baddie, Bond, Bone, Burrus, Cheatham, Cherry, Cleaveland, Caggin, Cross of Madison, Duggan, Farquharson, Fisher, Garner, Glenn, Goode, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdon, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moorman, Morris, Nave, Rawlings, Roach, Rodgers, Scott, Sherrill, Trimble, Turney, Tyler, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Brooks, Carson, Cross of

Sullivan, Crouch, Crudup, Edwards, Eubank, Goodall, Gordon, Huddleston, Hughes, Kinney, Lauderdale, Miller of Marshall, Moores, Morrow, Richardson, Smart, Trott, Turner, Walker of Hickman, Wann, and Wheeler.

So said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cooke, their clerk :

MR. SPEAKER: The Senate have read a third time and passed, without amendment, the following bills from the House :

A bill No. 263, for the benefit of Israel Outhouse, former Trustee of Weakley county.

A bill No. 267, to incorporate the Livingston and Monroe Turnpike Company, in Overton county.

A bill No. 306, to authorise guardians of minors, idiots and lunatics, to receive and remove from the State any property to which such ward may be entitled, where both guardian and ward resides out of the State; and

A bill No. 322, to declare the Nolachucky river navigable from Elijah Embree's to the gulf near the North Carolina line.

Which bills are herewith transmitted.

The Senate have taken up and rejected the following bills from the House :

A bill No. 272, providing for but one doorkeeper to the House of Representatives.

A bill No. 288, to prescribe the manner of notice to endorsers and assignors, and

A bill No. 292, to incorporate all the towns in this State, not heretofore incorporated, and to prevent expensive legislation; which bills are herewith transmitted.

The Senate have received and read the report of the President of the Bank of Tennessee, made in obedience to a joint resolution of the present General Assembly, adopted 16th January, 1844; which is herewith transmitted in obedience to an order from the Senate.

The Senate have taken up and read a third time with sundry amendments thereto, the following bills from the House :

A bill, No. 231, to authorise the circuit judges to hear and determine equity causes in certain cases.

A bill, to authorise the corporation of Memphis to work runaway slaves, committed to the jail of Shelby county, on the streets

A bill, No. 269, to adjust the boundary line between this State and the State of Kentucky; and

A bill, No. 309, to charter the Sevier county turnpike road; which bills and amendments are herewith transmitted, and the concurrence of the House in said amendments is requested.

The Senate have taken up and considered the proposition of the House for a committee of conference on the disagreement of the two Houses on a bill from the House, No. 186, to amend the laws to improve the navigation of the rivers in the Western District, and have appointed Messrs. Bradberry, Gardner, and Vocher to be of said committee on the part of the Senate.

The Senate have taken up and considered the amendments of the House to a bill from the Senate, No. 187, to authorise the Planters' and Union Banks to declare certain dividends and for other purposes, and have concurred therein with an amendment thereto, and the concurrence of the House therein is requested.

The Senate have taken up and considered the amendments of the House to Senate's bill, No. to amend an act passed the 12th day of November, 1842, and appointing commissioners for the improvement of Clinch river; and have concurred therein.

Mr. Maury, from the Committee on Enrolled Bills, reported as truly enrolled a resolution providing for a compromise and settlement of the claims of the State against the securities of Robert H. McEwen, the superintendent of public instruction.

The Speaker of this House thereupon signed said resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the speaker thereof.

Mr. Richardson, from the Committee on Internal Improvements, to which had been referred, a bill from the Senate, No. 215, to authorise the issuance of bonds to the Lebanon and Sparta turnpike company, reported the same without amendment and recommended its rejection also made a report at length on said bill.

Said bill was then read a second time and rejected.

Mr. Kinney moved a reconsideration of the vote just taken rejecting said bill.

Mr. Milligan, who had withdrawn for amendment a bill from the Senate, No. 116 to change the time of holding the supreme court at Knoxville, returned the same with the following amendment: strike out "October" wherever it occurs in said bill and insert in lieu thereof "September."

Said bill was placed on the calendar amongst Senate bills on their third reading.

On motion of Mr. Polk,

The House took up "A bill, from the Senate, No. 78, to change the time of holding the circuit and chancery courts therein named."

Mr. Polk offered the following amendment.

Sec. 6 Be it enacted, That the first term of the criminal court for the county of Davidson, be held for the year 1844, shall be held at the time prescribed by the laws now in force, and the second term of said court for the year 1844, shall be held on the first Monday in July and thereafter said court shall be held at the times specified in this act, on the 1st Monday in January, the 1st Monday in April, the 1st Monday in July, and the 4th Monday in October; which amendment was adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 152, to tax race tracks and race horses; which bill was read a first time and passed.

On motion of Mr. Black,

The House took a bill, No. 44, for the purpose of placing all executions on equal terms.

Ordered that said bill be placed on the calendar amongst bills on their third reading.

The House took up a bill from the Senate, No. 234, to provide for the election of a clerk of the criminal court of Davidson county.

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 29, nays 30.

The ayes and noes, No. 294, being called for by Mr. Bledsoe, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bond, Bone, Carson, Cleveland, Crouch, Crudup, Goode, Gordon, Hodsdon, Hord, Houston, Kinney, Lauderdale, Lenoir, Marr, Moores, Moorman, Nave, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bobo, Boddie, Brooks, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Eubank, Farquharson, Fisher, Goodall, Hamilton, Hughes, Humphreys, M'Ginnis, Miller of Marshall, Milligan, Scott, Sherrill, Smart, Trott, Turner, Walker of Hickman, Wann, and Wiley.

So said bill was rejected.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Morrow,

The House took up the motion made by Mr. Bledsoe on the 18th inst., to re-consider the vote of the House, adhering to their amendment, to Senate's amendments to a bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb; which motion to re-consider was agreed to by the House.

Mr. Morrow moved that a committee of conference of three members, on the part of this House, on the disagreement of the two Houses on said amendments, be appointed; which motion was agreed to by the House.

The Speaker thereupon appointed Messrs. Williams, Milligan, and Lenoir, to be of said committee on the part of the House.

On motion of Mr. Kinney,

The House took up a bill, No. 50, to provide for the appointment of coroners and to amend and explain the acts of 1779, chapter 5, sections 2d and 3d, and the act of 1807, chapter 104, section 13; which was placed on the calendar amongst bills on their second reading.

The House took up the following bills from the Senate:

A bill, No. 221, for the benefit of James W. Netherland, James Berry, and Alexander H. Keith, commissioners appointed by the Governor to perform certain duties under the act of assembly, passed January 25th, 1840; and

A bill, No. 237, to amend the criminal laws of this State, in relation to the trial and punishment of accessaries; which bills were severally read a first time and passed.

The House took up Senate's amendments to the following bills from the House:

A bill, No. 130, to authorise the circuit court Judges to hear and determine equity causes in certain cases

A bill, No. 205, to repeal an act passed 2d day of December, 1839, chap. 14, and for other purposes.

A bill, No. 180, to amend the laws in relation to navigable streams, and for other purposes.

A bill, No. 250, to incorporate the Williamsport bridge company, and encourage the navigation of Duck river.

A bill, No. 319, to incorporate a manufacturing company at Manchester, in Coffee county.

A bill, No. 226, to repeal a resolution directory to the Surveyor of the Hiwassee district.

A bill, No. 226, to adjust the boundary line between this State and Kentucky.

A bill, No. 259, to authorise the corporation of the town of Memphis to work runaway slaves committed to the jail of Shelby county, on the streets.

A bill, No. 303, to charter the Sevier county turnpike company.

Which amendments of the Senate were severally concurred in.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed an enrolled resolution of the House, entitled, "a resolution providing for a compromise and settlement of the claim of the State against the securities of Robert H. McEwen, late superintendent of Public Instruction; which is herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

The House took up the Senate's amendment to the amendments of the House to a bill from the Senate, No. 187, to authorise the Planter's and Union Bank of Tennessee to declare certain dividends; which amendments were severally concurred in.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendment to a resolution of the House, No. 172, authorising the mayor and aldermen of the city of Nashville to take possession of the property belonging to the State on Campbell's Hill; which amendment provides that the Secretary of State shall take possession and occupy the buildings, &c.; in which amendments the House concurred.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill, No. 21, to repeal the 12th section of the act of 1779, chapter 10, establishing ordinaries and tippling houses.

On motion of Mr. Nave,

Said bill was amended.

On motion of Mr. Williams,

Said bill was laid on the table.

Mr. Maury, from the Committee on Federal Relations submitted the following report:

The committee to whom was referred "a preamble and resolutions in relation to providing safe guards for the domestic institutions of the south and southwest," have had the same under consideration, and had instructed him to report favorable to the objects of said preamble and resolutions, and recommend its adoption.

That the preamble and resolutions relate to a subject which must continue to excite the most profound interest in all the southern and southwestern States of the Union, until the unsettled questions now connected with it, are adjusted upon some permanent and satisfactory basis.

As long as slavery exists in those States, it cannot be expected that the freemen who inhabit them, will look with unconcern upon the adoption, by a foreign nation, of any system of policy calculated or designed to undermine the securities which they now enjoy, for the preservation of their rights, of property and of personal safety; already weakened by the continued agitations, and restless machinations of a portion of our fellow citizens, in the non slaveholding States.

The committee will not enter into an examination of the abstract justice of the institution of slavery. For the fact of its existence among us, we have to plead the sanction of our ancestors, and of those who ruled them: the growth and the strengthening of the practice, and the subject of it. During the period of two centuries, the powerful connexion of the interests dependent on its continual existence, and the train of utter and terrible consequence; and also made a report at length.

Said report was then concurred in by the House and said resolution adopted.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Polk,

The rule was suspended and he moved that they adjourn until Monday morning, 9 o'clock.

And the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 40, nays 28.

The yeas and nays No. 397, being called for by Mr. Bledsoe, and ordered by the H u e,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Aver; Bobe, Brooks, Burrus, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Edwards, Eubank, Farquharson, Garner, Goodall, Gordon, Hord, Houston, Huddleston, Jourdan, Kinney, Laudereale, Marr, Miller, of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Polk Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trout, Turley, and Tyler.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Boddie, Bond, Carson, Cheaham, Cleveland, Deavenport, Duggan, Fisher, Goode, Hamilton, Hodsden, Hughes, Humphreys, Lenoir, McGinnis, Maury, Morris, Morrow, Nave, Rawlings, Turner, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said motion was agreed to and the House adjourned until Monday morning, 9 o'clock.

MONDAY, JANUARY 22nd, 1844.

The House met pursuant to adjournment.

The Speaker presented a petition, No. 191, from sundry citizens of Davidson county, praying for the charter of the Antioch Turnpike company, with a map attached thereto.

Ordered that said petition be referred to the Committee on Internal

A bill from the Senate, No. 205, to incorporate a turnpike company.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and rejected the following bills from the House:

A bill, No. 100 to amend the charter of the Bank of Tennessee; &

A bill, No. 106, to change the name of Andrew Lowe to Andrew Keal; which bills are herewith transmitted.

The Senate have read a third time and passed with sundry amendments thereto, a bill from the House, No. 283, to authorize the officers of the Bank of Tennessee to draw upon the Treasurer of the State in case of a deficiency of means in the bank to meet its current liabilities; which bill and amendments are herewith transmitted, and the concurrence of the House therein requested.

The Speaker of the Senate has signed an enrolled bill of the Senate, to amend an act passed the 12th day of Nov., 1842, and appointing commissioners for the improvement of Clinch river, & for other purposes.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardman, from the Committee on the Judiciary, to which had been referred, a bill, No. 60, to regulate the mode of taking depositions in the circuit and chancery courts in this State, reported the same without amendment, and the rejection thereof.

Which report was concurred in, and said bill was rejected.

Mr. Miller of Hardman, from the same committee, to which had been referred A bill No. 304, to alter, change and regulate the time of holding the circuit court in the tenth judicial district, in the State of Tennessee, reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment, and with said amendment recommend the passage thereof.

The amendment reported by the committee to fill up the blanks in the second section of the bill for the time of holding said courts.

Which amendment was adopted.

Said bill was then ordered to its place on the calendar, amongst bills on their second reading.

On motion of Mr. Bond,

The House took up the following bills from the Senate:

A bill No. 42, to provide for the payment of freight and storage and other necessary charges on books and documents transmitted from other States and Territories, to the Executive of Tennessee.

A bill No. 51, to prescribe the mode of choosing electors to vote for the President and Vice President of the United States.

A bill No. 81, to reduce the cost chargeable to the State in criminal prosecutions.

A bill No. 91, to amend the law of cost of criminal prosecutions, and to diminish the same, when chargeable to the State or county.

A bill No. 100, to supply the vacancies in grand jurors.

A bill No. 168, to change the time of holding certain circuit and chancery courts.

A bill No. 105, to provide for the registration of titles to the State, & for other purposes; and

A bill No. 198, to define cases in which the State may be taxed with
sts

Ordered that said bills be referred to the committee on the Judiciary.

Mr. moores asked and obtained leave to withdraw for amendment
A bill No. 180, to change the line of Smith and DeKalb counties.

The House took up a bill, No. 44, for the purpose of placing all
executions on equal terms.

The amendments offered by Mr. Miller of Hardeman, and Mr. Trott,
being under consideration.

Mr. Brooks moved the previous question; which being seconded by
majority of all the members present, the question was then taken,
Shall the main question be put? which being determined in the affir-
native.

The main question was then taken, shall the bill pass? and was de-
termined in the affirmative. Yeas 53, nays 14.

Those who voted in the affirmative are,

Messrs. Black, Blensoe, Bobo, Bond, Bone, Brooks, Carson, Cheat-
am, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sulli-
an, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher,
Jarnar, Goodall, Gordon, Hamilton, Hodsden, Hord, Houston, Hud-
leston, Humphreys, Lauderdale, Lenoir, Marr, Miller of Marshall,
Moore, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Rodgers,
Serrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Wil-
amson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Burrus, Farquharson, Glenn, Goode,
Hughes, Kinney, McGinnis, Maury, Milligan, Trimble, Walker of
Lickman, and Wyley.

So said bill passed on its third and last reading in this House, and
was ordered to be engrossed and transmitted to the Senate.

Mr. Brooks moved a reconsideration of the vote of the House, re-
specting on the 20 inst., A bill from the Senate, No. 234, to provide for
the election of a clerk of the criminal court in Davidson county.

Mr. Maurv, from the Committee on Enrolled Bills, reported that the com-
mittee had examined the following enrolled bills and resolutions:

An act to establish the county of Hannover.

An act to amend the law in relation to navigable streams, and for other pur-
poses.

An act to repeal an act passed second day of December, 1839, chap. 14, and
for other purposes.

An act to repeal a resolution directory to the surveyor of the Hiwassee Dis-
trict, and to the entry taker of the Ocoee District.

An act to authorise the circuit court Judges to hear and determine equity
cases in certain cases.

An act to authorise the Mayor and Aldermen of any incorporated town, to
employ runaway slaves committed to the jail of any county, for the public im-
provement of said town.

An act for the benefit of Isreal Outhouse, former Trustee of Weakly county.

An act to incorporate the Lexington and Monroe Turnpike Company, in
Horton county.

An act to adjust the boundary line between this State, and the State of
Kentucky.

An act to authorise Guardians of minors, idiots and lunatics to receive and remove from this State any property to which such word may be entitled when both guardians and word reside out of this State.

An act incorporating a manufacturing company at Manchester, Coffee county, and for other purposes.

An act to declare Nolachucky river navigable from Elijah Embrees's, to the gulf in Washington county, near the North Carolina line; and

A resolution to give the secretary of State charge of the public grounds.

The Speaker thereupon signed said-enrolled bills and resolutions.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

The House took up a bill. No. 136, to extend the jurisdiction of the county courts.

Mr. Parker of Williamson moved to limit the jurisdiction in said bill to two thousand dollars; which was rejected.

Mr. Farquarson moved to limit the same to one thousand dollars.

Mr. Bledsoe moved to limit the same to two thousand dollars; both of which were severally rejected.

Mr. Cheatham moved the "previous question?" being seconded by a majority of all the members present.

The question was then taken "shall the main question be now put?" which being determined in the affirmative.

The main question was then taken "shall the bill pass?" it was determined in the affirmative, yeas 63, nays 5.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Ezeman, Edwards, Eubank, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Moore, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Rodgers, Scott, Sherill, Smart, Trice, Trot, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Farquarson, Tibble and Wyley.

Said bill was then read a third time and ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 209, to regulate the pay of members of the Legislature, clerks and door-keepers.

Mr. Lenoir moved to strike out as the pay of members of the Legislature "three dollars and fifty cents" and insert in lieu thereof "three dollars as the per diem."

Mr. Lenoir moved that said bill be laid on the table.

Which motion was disagreed to by the House.

Mr. Hodsdon moved the previous question, which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put? it was determined in the affirmative, yeas 63, nays 15.

The yeas and nays No. 400, being called for by Mr. Lenoir, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Brooks, Cheatham, Cheatham, Cleveland, Cleere, Coggin, Cradon, Cross of Sullivan, Crouch, Crudup, Deavenport,

Duggan, Edwards, Eubank, Fisher, Garner, Goodall, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, McGinnis, Marr, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Carson, Farquharson, Glenn, Goode, Lenoir, Miller, Marshall, Milligan, Polk, Walker of Williamson, Wheeler, and Williams.

So it was determined that the main question shall be now put; the main question was then taken, shall the bill pass? it was determined in the affirmative, yeas 48, nays 23.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Fisher, Goode, Gordon, Hamilton, Hodsdon, Houston, Huddleston, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Roach, Scott, Sherrill, Trott, Turner, Turney, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Eubank, Farquharson, Garner, Glenn, Goodall, Hord, Hughes, Kinney, Marr, Maury, Moorman, Morrow, Rawlings, Trice, Trimble, Tyler, and Walker of Williamson.

So said bill passed on its third and last reading in this house, and was ordered to be engrossed and transmitted to the Senate.

The house took up the motion of Mr. Kinney to reconsider the vote of the house rejecting on the 30th inst. a bill from the Senate, No 215, to authorise the issuance of bonds to the Lebanon and Sparta turnpike company; which motion to reconsider was agreed to by the house.

Said bill was read a second time and passed.

The House took up a bill, No. 221, to secure bona fide purchasers in their possession and titles; and the question being taken, shall the bill pass? it was determined in the negative, yeas 13, nays 55.

Those who voted in the affirmative are,

Messrs. Alexander, Brooks, Carson, Cleaveland, Crudup, Duggan, Hamilton, Hodsdon, Hughes, Humphreys, Jourdan, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hord, Houston, Huddleston, Kinney, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up the motion of Mr. Coggin to reconsider the vote of the House rejecting on the 12th inst. a bill, No. 225, to remove the supreme court of errors and appeals for the middle division of Tennessee to the town of Columbia in the county of Maury; which motion to reconsider was agreed to by the House.

Said bill was then read a third time,

And the question being taken, "shall the bill pass?" it was determined in the negative; yeas 29, nays 38.

Those who voted in the affirmative are,

Messrs. Anderson, Black Bobo, Burrus, Coggin, Cross of Sullivan, Crudup, Deavenport, Edwards, Farquharson, Garner, Glenn, Goodall, Good, Gordon, Houston, Lauderdale, McGinnis, Miller of Marshall, Milligan, Morris, Polk, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Cleaveland, Cross of Madison, Crouch, Duggan, Eubank, Hamilton, Holden, Hord, Huddleston, Hughes, Humphreys, Kinney, Lenoir, Marr, Maury, Morris, Moonman, Morrow, Rawlings, Roach, Rodgers, Scott, Trimble, Turner, Tyler, Walker of Williamson, Williams, Wyley, and Mr. Speaker Baringer.

So said bill was rejected.

Mr. Maury, from the Committee on Enrolled Bills, reported as corrected engrossed a bill, No. 260, to promote the settlement and improvement of this State, by enabling aliens to purchase and hold real estate therein.

Ordered that the clerk transmit the same to the Senate.

Mr. Maury, from said committee, reported as truly enrolled an act to incorporate the Williamsport bridge company, and to encourage the navigation of Duck river with steam boats.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the proposition of the House to appoint a Committee of Conference on the disagreement of the two House's amendments to Senate's amendment to a bill from the House, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb; and have concurred therein, and have appointed Messrs. Culum, Gordon, and Ross of Anderson, to be of said committee on the part of the Senate.

The Senate have taken up and considered a resolution, No. 190, from the House, modifying the resolution authorising the Judges of the supreme court to appoint persons to revise the statutes; and have concurred therein, and the same is herewith transmitted.

The Senate have taken up and adopted a resolution, No. 167, proposing an adjournment of this General Assembly on this day, at 3 o'clock,

M., to attend the funeral ceremonies of Maj. Henry M. Rutledge, dec'd; and the same is herewith transmitted for the concurrence of the House of Representatives.

On motion, the House took up said resolution, which is as follows:

Resolved by the General Assembly of the State of Tennessee, That it is with feelings of the deepest regret that this assembly has heard of the sudden decease of Maj. Henry M. Rutledge, and that as evidence of that feeling, both Houses of the assembly, will, in a body attend the funeral of the dec'd. this day, at 3 o'clock, P. M.," which resolution was read and concurred in.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers submitted the following resolution, No. 191:

Resolved, That a committee be appointed on the part of this House, to join such a committee as may be appointed on the part of the Senate, to consider and report by what token of respect and affection it may be proper for this General Assembly to express the deep sensibility of the State, to the event of the decease of Maj. Henry Rutledge, the worthy son of a patriot sire, who on the 4th day of July signed the declaration of independence with the pledge of his life, his fortune, and his sacred honor, and which to the last hour of his existence he never violated.

Said resolution was read, rule suspended, and adopted.

Ordered that the clerk acquaint the Senate therewith.

The Speaker thereupon announced to the House the appointment of Messrs. Rodgers, Biddle, and Cheatham, to be of said committee on the part of the House.

Mr. Trice withdrew his motion to reconsider the vote of the House on the passage of a bill, No. 260, to promote the settlement and improvement of this State, by enabling aliens to purchase and hold real estate therein.

The House took up a bill, No. 241, to raise the rate of interest in certain cases, and to regulate the practice of shaving.

Mr. Farquharson moved to amend the bill by striking out all after the word "usury," in the 8th line of the first section.

Pending the discussion on said motion, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment and resumed the consideration of the motion of Mr. Farquharson to strike out all after the word "usury" &c., pending when the House adjourned this morning.

Mr. Coggin moved the previous question; which being seconded by a majority of all the members present,

The question was then put, shall the main question be now taken; which being determined in the affirmative, the main question was then taken, shall the bill pass, and was determined in the negative, yeas 20; nays 50.

Those who voted in the affirmative are,

Messrs. Bobo, Boddie, Burrus, Coggin, Crudup, Deavenport, Edwards, Goodall, Hamilton, Jourdan, Kinney, Richardson, Roach, Rawlings, Rodgers, Scott, Smart, Trott, Turner, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Edsall, Ford, Gano, Brooks, Can-

son, Cheatham, Cherry, Cleaveland, Cross of Madison, Duggan, Eubank, Farquharson, Fisher, Garner, Gleason, Goode, Gordon, Hodges, Hord, Houston, Hughes, Humphreys, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorhead, Morris, Morrow, Nave, Polk, Rawlings, Sierrill, Trice, Turney, Tyler, Walker of Hickman, Wann, Williams, and Wyley.

So said bill was rejected.

Mr Farquharson moved a reconsideration of the vote just taken rejecting said bill; which motion was laid on the table.

Mr. Humphreys moved a reconsideration of the vote of the House taken on t day rejecting a bill, No. 136, to extend the jurisdiction of the county courts; which motion was laid on the table.

A message from the Senate by Mr. Cocke, their clerk:

MR SPEAKER: The Senate have taken up and considered a resolution from the House proposing a joint select committee in relation to the decease of Maj Henry M. Rutledge, in relation to suitable tokens of respect to his memory, by this General Assembly; in which resolution the Senate concur, & have appointed messrs. Fanning, Sneed, and Jennings to be of said committee on the part of the Senate; and said resolution is herewith transmitted.

The Senate have taken up and considered the nonconcurrence of the house to Senate's amendment to a bill, No. 218, to authorise the payment of money to the Louisville, Charleston, and Cincinnati railroad, and cancel the State bonds issued to said company; and on further consideration, the Senate insist upon their said amendment.

And said bill is herewith transmitted.

The Senate have read a third time and passed, without amendment, the following bills from the House:

A bill, No 278, to amend the act entitled "an act to incorporate the town of Tazewell, in the county of Claiborne, passed 1st Nov. 1843, and for other purposes; and

A bill, No. 285, to incorporate Eagle Creek male academy, in the county of Benton, and for other purposes; which bills are herewith transmitted.

The Speaker of the Senate has signed the following enrolled bills and resolution from the House:

An act to establish the county of Hanover.

An act to amend the law in relation to navigable streams, and for other purposes.

An act to repeal an act passed the 2nd of Dec. 1839, chap. 4, and for other purposes.

An act to repeal a resolution directory to the surveyor of the Hiwassee district, and to the entry taker of the Ocoee district.

An act for the benefit of Israel F. Outhouse, former trustee of Weakly county.

An act to incorporate the Livingston and Monroe turnpike company in Overton county.

An act to adjust the boundary line between this State and the State of Kentucky.

An act to authorise guardians of minors, idiots and Lunatics, to

receive and remove from it is State, any property to which such ward may be entitled, when both guardian and ward reside out of this State.

An act to incorporate a manufacturing company at Manchester, in Coffee county, and for other purposes.

An act to declare Nola Chucky river navigable from Elijah Embrees to the Gulf in Washington county, near the North Carolina line; and

A resolution to give the Secretary of State charge of the public grounds.

Ordered that the clerk deposite the same in the office of the Secretary of State.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment

Mr. McCores, who had withdrawn for amendment "A bill, No. 190, to change the line between Smith and DeKalb counties," returned the same with the following amendment: "Provided Smith county, when surveyed, shall not be reduced below its constitutional limits, and that the citizens proposed to be stricken off from Smith and attached to DeKalb, shall defray the expenses of surveying said county of Smith, and provided further, the surveyor employed shall be some disinterested competent person, not living either in DeKalb or Smith counties."

Mr. Coggin moved the previous question, which did not receive a second

Said amendment was then adopted

Said bill, as amended, was then read a third time and rejected.

The House took up "A bill, No. 171, for the benefit of owners of Public mills.

Said bill was then read a third time, and the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 36, nays 29.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Babo, Boddie, Bone, Brooks, Carson, Cross of Madison, Crudup, Deavenport, Duggan, Edwards, Fisher, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Miller of Marshall, Moorman, Morrow, Nave, Rawlings, Rodgers, Scott, Smart Trice, Trimble, Walker of Hickman, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Bond, Burrus, Cheatham, Cherry, Cleveland, Coggin, Cross of Sullivan, Eubank, Farquharson, Garner, Goodall, Goode, Hamilton, Huddleston, McGinnis, Milligan, Moore, Morris, Richardson, Sherrill, Turner, turney, Tyler, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in the House. and was ordered to be engrossed and transmitted to the Senate.

A bill, No. 280, to change and render more efficient the management of the Lunatic Asylum.

Mr. Polk moved the previous question, which being seconded by a majority of all the members present.

And the question being taken, "shall the main question be now put," being determined in the affirmative,

The main question was then taken, "shall the bill pass," and determined in the negative, yeas 32, nays 24.

Those who voted in the affirmative are,

Messrs. Anderson, Bond, Cherry, Coggin, Deavenport, Farquarson, Fisher, Glenn, Goodall, Hamilton, Hodsden, Hord, Houston Hughes, Kenney, Lauderdale, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morrow, Polk, Rawlings, Roach, Scott, Sherrill, Smart, Trice, Trimble, Turney, and Walker of Hickman.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Bone, Brooks, Burns, Carson, Cleveland, Cross of Madison, Cross of Sullivan, Crudup, Duggan, Edwards, Eubank, Garner, Goode, Huddleston, Humphreys, Lenoir, M'Ginnis, Maury, Moores, Morris, Marr, Richardson, Rodgers, Turner, Tyler, Walker of Williamson, Wann, Wheeler, Williams, Wiley, and Mr. Speaker Barringer.

Said bill was rejected.

On motion of Mr. Avery, the vote rejecting said bill was reconsidered; first

On motion of Mr. Polk, six thousand dollars was stricken out in the fifth and sixth line the section.

Mr. Good moved to amend said bill by the following proviso:

Provided, should an election of Physician, and matron as provided for in this bill, not to be made by the Legislature, the power is hereby vested in the Trustees of said Asylum to make said election.

Mr. Farquarson moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, "shall the main question be now put," and being determined in the affirmative.

The main question was then taken, "shall the bill pass," it was determined in the affirmative, yeas 55, nays 14.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Bond, Bone, Brooks, Burns, Cheatham, Cherry, Coggin, Cross of Sullivan, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquarson, Fisher, Glenn, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Polk, Rawlings, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Walker of Hickman, and Wiley.

Those who voted in the negative are,

Messrs. Bledsoe, Carson, Cleveland, Cross of Madison, Garner, M'Ginnis, Morris, Nave, Richardson, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in the House and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 291, to establish a Chancery Court, at Springfield, Robertson county.

Mr. Duggan offered the following amendment:

Sec. 2 *Be it enacted*, That hereafter the citizens of Cocke county, may file their bills in chancery, in the Chancery court at Dandridge, in Jefferson county, or in the Chancery court at Sevierville, in Sevier county, at their option; which amendment was adopted.

Said bill as amended was then read a third time; and the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 44, nays 24.

The yeas and nays, No. 408, being called for by Mr. Humphreys and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bobb, Boddie, Bone, Burns, Cherry, Cleaveland, Coggin, Cross of Sullivan, Crudup, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Hord, Houston, Huddleston, Hughes, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Rawlings, Roach, Rodgers, Scott, Smart, Trice, Turner, Turney, Walker of Hickman, Wann, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Bledsoe, Bond, Brooks, Carson, Cheatham, Cross of Madison, Edwards, Goodall, Goode, Hamilton, Hodsden, Humphreys, Lauderdale, Lenoir, Maury, Moores, Morrow, Richardson, Sherrill, Trimble, Tyler, Walker of Williamson, Wheeler, Wyley, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up, a bill, No. 298, to refund to the county of Polk the amount of money by them expended in the transportation and delivery of the digest laws of Tennessee, to the Justices of the Peace in said county of Polk.

Said bill was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the negative; yeas 30, nays 39.

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Boddie, Bond, Bone, Carson, Deavenport, Duggan, Farquharson, Fisher, Glenn, Hodsden, Hord, Houston, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Morrow, Polk, Sherrill, Smart, Turney, Walker of Hickman, Walker of Williamson, Wann, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bobb, Brooks, Burns, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Edwards, Eubank, Garner, Goodall, Goode, Hamilton, Huddleston, Humphreys, Lenoir, Marr, Maury, Moores, Moorman, Morris, Nave, Richardson, Roach, Rodgers, Scott, Trice, Trimble, Turner, Wheeler, Williams and Mr. Speaker Barringer.

So said bill was rejected.

The House took up, a bill, No. 297, to define fees in chancery, and for other purposes.

Mr. Morris moved to strike out in the third line of the second section "one year," and insert in lieu thereof "two years."

Mr. Lenoir moved the previous question, which being seconded by a majority of all the members present.

The question was then put, "shall the main question be now put?" which being determined in the affirmative.

The main question was then taken, "shall the bill pass?" and was determined in the negative; yeas 29, nays 38.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobb, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup,

Eubank, Hiddleston, Lenoir, McGinnis, Marr, Milligan, Morris, Nave, Richardson, Rodgers, Sherrill, Smart, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Boddie, Bond, Burrus, Cheatham, Deavenport, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morrow, Roach, Scott, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, and Wyley.

Said bill was rejected.

On motion of Mr. Hodsden,

The vote of the house rejecting said bill was reconsidered.

On motion said bill was amended by inserting after the words "collected by," in the first line of the second section the following: "the clerks of the Supreme, Circuit, Criminal, and county courts and"

Mr. Hodsden moved to strike out the first section of the bill; which motion was disagreed to by the House.

Said bill as amended was then read a second time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 40, nays 24.

Those who voted in the affirmative are,

Messrs. Anderson, Black Bledsoe, Bobo, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Marison, Cross of Sullivan, Culp, Deavenport, Edwards, Eubank, Fisher, Goodall, Hamilton, Houston, Hiddleston, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Bond, Burrus, Duggan, Farquharson, Garner, Glenn, Goode, Hodsden, Hord, Hughes, Humphreys, Kinney, Lauderdale, Maury, Miller of Hardeman, Moores, Scott, Trimble, Turner, Turney, and Wyley.

Said bill was passed on its third and last reading in this house, and ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 265, to raise additional revenue and preserve the public faith and credit.

On motion, said bill was laid on the table.

The house took up a bill, No. 142, to establish a chancery court at Waynesboro', in the county of Wayne, the amendment offered by Mr. Morris, in lieu of the whole bill from the enacting clause, being under consideration; which amendment was adopted.

Said bill as amended was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The house took up a bill, No. 308, for the relief of the securities of Madison G. Fellows, late sheriff of Greene county, the amendment offered by Mr. Milligan, in lieu of the original bill from the enacting clause, being under consideration.

Mr. Nave moved to amend the bill by inserting "that the securities of defaulting sheriffs," &c.; which was adopted.

Said amendment as amended was then adopted.

Said bill as amended was then read a third time, and the question being taken, shall said bill pass? it was determined in negative, yeas 24, nays 34.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bone, Deavenport, Duggan, Hodsdon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Milligan, Morris, Morrow, Nave, Smart, Trice, Turney, Walker of Hickman, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsee, Bobo, Boddie, Bond, Brooks, Carson, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Goode, Hamilton, Marr, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Richardson, Roach, Rodgers, Scott, Turner, Tyler, Walker of Williamson, Wann, and Mr. Speaker Barringer.

So said bill was rejected.

The house took up a bill, No. 314, to establish the county of Grundy.

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative, yeas 45, nays 9.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsee, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Hamilton, Hord, Houston, Hughes, Humphreys, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Moorman, Morris, Roach, Rodgers, Scott, Smart, Trice, Turney, Walker of Hickman, Walker of Williamson, Wann, Williams, and Speaker Barringer.

Those who voted in the negative are,

Messrs. Goode, Lenoir, Maury, Moores, Morris, Morrow, Richardson, Turner, and Wheeler.

Said bill passed on its third and last reading, and was ordered to be engrossed and transmitted to the senate.

The house took up a bill, No. 316, to revise the 40th chapter of the public acts of 1829.

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the negative, yeas 23, nays 31.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bobo, Brooks, Carson, Davenport, Duggan, Farquharson, Goode, Hodsdon, Hord, Hughes, Kinney, Lauderdale, Lenoir, Morris, Morrow, Nave, Smart, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsee, Boddie, Bond, Bone, Cheatham, Cherry, Coggin, Cross of Madison, Eubank, Fisher, Hamilton, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Richardson, Roach, Rodgers, Scott, Trice, Turner, Turney, Tyler, Walker of Hickman, and Wheeler.

So said bill was rejected.

Mr. Morrow moved a reconsideration of the vote of the House, rejecting this evening A bill No. 297, to define fees in chancery, and for other purposes.

The House then adjourned.

TUESDAY, JANUARY 23d, 1844.

The House met pursuant to adjournment.

Mr. Maury presented a petition No. 192, from sundry citizens, praying for the establishment of a new county to be formed out of portions of Williamson, Maury, Marshall, Bedford, and Rutherford counties; which was referred to the Committee on New Counties and County Lines.

Mr. Milligan presented a memorial, No. 293, from the proprietors of the Paint Mountain turnpike road, praying for an act to change the Warrensburg branch of said road; which was read and laid on the table.

Mr. Miller, from the Committee on the Judiciary, to whom had been referred A bill from the Senate, No. 42, for the payment of freight and storage and other necessary charges on books and documents transmitted from other States and Territories, to the Executive of Tennessee; reported the same without amendment, and recommend the passage thereof.

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative, ayes 64, nays 2.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Farquharson and Turney.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the same committee, to which had been referred, A bill from the Senate, No. 198, to define cases in which the State may be taxed with costs; reported the same without amendment, and recommended the passage thereof.

So said bill was read a third a third time,

And the question being taken "shall the bill pass?" It was determined in the affirmative, yeas 39, nays 31.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bobo, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crudup, Duggan, Farquharson, Fisher, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Humphreys, Jourdan, Miller of Hardeman, Milligan, Moorman, Morris, Morrow, Nave, Poll, Richardson, Sherrill, Trice, Trimble, Tyler, William, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Garner, Glenn, Goodall, Hamilton, Hughes, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Miller of Marshall, Moores, Roach, Rodgers, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman from the same committee to which had been referred, a bill from the Senate, No. 186, to provide for the requisition of bills to State, and for other purposes, reported the same without amendment, and recommend the passage thereof.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, ayes 45, nays 5.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodges, Hord, Horton, Hughes, Humphreys, Jourdan, Lauderdale, Lenoir, M'Ginnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Edwards, Eubank, Huddleston, Nave, and Polk.

Said bill passed on its third and last reading in this House.

Ordered that clerk acquaint the Senate therewith.

Mr. Miller of Hardeman from the Committee on Judiciary, which had been referred, a bill from the Senate, No. 100, to supply vacancies in Grand Jurors, reported the same without amendment, and recommend the passage thereof.

Mr. Gordon offered the following proviso to the last section of said bill: "provided, in the opinion of the judge, it shall be proper, and provided the party cast in the suit shall be taxed with the additional cost of such special jury; which amendment was adopted.

Said bill as amended was then read a third time; and the question being taken, "shall the bill pass?" it was determined in the affirmative; yeas 46, nays 23.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bond, Bone, Brooks, Carson, Cleveland, Cross of Madison, Crudup, Deavenport, Duggan, Eubank, Farquharson, Fisher, Goodall, Goode, Gordon, Hamilton, Hodges, Horton, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Miller of Hardeman, Moorman, Morris, Morrow, Nave, Polk, Richardson, Rodgers, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Bobo, Boddie, Burrus, Cheatham, Cherry, Coggin, Cross of Sullivan, Edwards, Garner, Glenn, Hord, Hughes, M'Ginnis, Marr, Miller of Marshall, Milligan, Moores, Roach, Scott, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the same committee, to which had been referred a bill, from the senate, No. 51, to prescribe the mode of choosing electors to vote for the President and Vice President of the United States, reported the same without amendment, and recommend the passage thereof.

Mr. speaker offered the following amendment to said bill:

"Provided that the Congress of the United States shall at the present session provide for holding elections for electors to vote for President and Vice President on the same day in all States, then the election, herein provided for, shall be held on the day so fixed on by act of Congress, and the Governor shall by proclamation, forty days before the day so fixed, give public notice thereof, and the election shall be held under all the rules, regulations, and restrictions herein provided; which amendment was adopted.

Said bill, as amended, was then read a third time, and the question being taken "shall the bill pass?" it was determined in the affirmative, yeas, 66, nays 4.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burns, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Marr, Maury, Miller of Hardeman, Milligan, Morris, Moorman, Moores, Morrow, Nave, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wan, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Farquharson, McGinnis, Miller of Marshall, and Walker of Hickman.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 3, to regulate the proceedings in actions of replevin.

Said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the negative, yeas 11, Nays 50.

Those who voted in the affirmative are,

Messrs. Avery, Burns, Deavenport, Duggan, Farquharson, Goodall, Nave, Richardson, Rodgers, Scott, and Sherrill.

Those who voted in the negative are,

Messrs. Alexander, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Edwards, Eubank, Fisher, Garner, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman.

Morris, Morrow, Polk, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Said bill was rejected.

Mr. Speaker Barringer moved a reconsideration of the vote just taken; which motion was laid on the table.

Mr. Maury, from the Committee on Enrolled Bills, reported as correctly engrossed, the following bills:—A bill, No. 44, for the purpose of placing all executions on equal terms—A bill, No. 209, to regulate the pay of members of the Legislature, clerks and doorkeepers—A bill, No. 271, for the benefit of owners of public mills—and A bill, No. 289, to change and render more efficient the management of the Lunatic Asylum.

Ordered that the clerk transmit the same to the Senate

Mr. Bond, from same committee, reported as truly enrolled, the following bills:—An act to amend an act entitled “an act to incorporate the town of Tazewell, in the county of Claiborne, passed 1st Nov. 1843,” and for other purposes—and an act to incorporate the Eagle Creek male academy, in the county of Benton, and for other purposes.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the amendments of the House to “A bill from the Senate, No. 78, to change the time of holding the circuit and chancery courts there named— & have concurred in the first and third amendment without amendment, and with the second amendment of the House with an amendment; in which amendment the concurrence of the House is requested, and the same is herewith transmitted. The Senate have read a third time and passed with an amendment thereto—A bill from the House, No. 310, to authorize and empower the county trustee of the county of Bedford, to collect arrears of school funds remaining in the hands of any former school commissioner, for said county, and for other purposes; which bill and amendment is herewith transmitted, and the concurrence of the House in said amendment is requested. The Speaker of the Senate has signed the following enrolled bills from the House—An act to amend an act entitled “an act to incorporate the town of Tazewell, in the county of Claiborne, passed the 1st day of Nov. 1843,” and for other purposes, and An act to incorporate the Eagle Creek male academy, in the county of Benton, and for other purposes; which are herewith transmitted.

Ordered that the clerk deposit the same in the office of Secretary of State.

On motion of Mr. Brooks—

The House took up “A bill, No. 326, to authorize the removal of the seat of justice of Jackson county.”

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative, yeas 61, nays 1.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Hudleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Trice, Trott, Trimble, Tyler, Turner, Turney, Walker of Hickman, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cherry, Gordon, McGinnis, Marr, Miller of Hardeman, Nave, and Wheeler.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Bone moved a reconsideration of the vote of the House, taken on last evening on the passage of "a bill, No. 291, to establish a chancery court at Athens, in the county of McMinn," and for other purposes; which motion was agreed to by the House.

Mr. Maury moved a reconsideration of the vote of the House rejecting on last evening "A bill, No. 314, to revive for a limited time, the 40th chap. of the public acts of 1839;" which vote was reconsidered.

Said bill was then read a third time, and the question being taken shall the bill pass? it was determined in the affirmative, yeas 43, nays 28.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Brooks, Burrus, Carson, Cheatham, Cross of Madison, Crouch, Crudup, Deavenport, Duggan, Edwards, Farquharson, Glenn, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Moorman, Morris, Morrow, Nave, Polk, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Boddie, Bond, Bone, Cherry, Cleaveland, Coggin, Cross of Sullivan, Eubank, Fisher, Garner, Gordon, Hudleston, McGinnis, Marr, Miller, of Hardeman, Miller, of Marshall, Miligan, Moores, Richards, Scott, Trott, Turner, Turney, Tyler, Walker of Hickman, Wheeler, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Williams, from the committee of conference, to which had been referred "A bill, No. 61, to establish a chancery court at Harrison, the county of Hamilton, and at Smithville in the county of DeKalb, submitted the following report:

The committee of conference to whom was referred House bill No. 61, have instructed me to recommend that the House recede from its second amendment to Senate's amendment providing for the establishment of a chancery court in the town of Rutledge, in the county of Granger, from the third amendment to Senate's amendment providing for a special term of the chancery court at Dandridge, in Jefferson county; they further recommend that the House adhere to its first amendment.

ment to Senate's amendment providing for the establishment of a chancery court at Elizabethton, in the county of Carter.

JAMES WILLIAMS, Ch'm on part of the house.

Which report was read and concurred in by the house.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill, from the Senate, No. 6, to repeal the act of 1842, chap. 3, entitled "an act to abolish imprisonment for debt, and for other purposes."

Mr. Alexander asked and obtained leave to withdraw said bill for amendment.

The house took up a bill, No. 13, to authorise the county courts of Henderson and Perry counties to make such disposition of the Internal Improvement fund belonging to said counties as to them shall seem proper; said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill from the Senate, No. 24, to equalise the burdens of taxation, by introducing more uniformity in the valuation of property throughout the different counties in this State.

Mr. Gordon offered the following amendment:

"Sec. *Be it enacted*, That the counties throughout this State at the March term, in the year 1844, shall proceed to reappoint revenue commissioners to take a list of revenue in the several civil districts throughout their county, in which lists the commissioners appointed shall only list such property as have been added to the list of such articles liable to taxation and the law passed at the present session of the General Assembly, and such list so taken shall be returned to the April term of said court;" which amendment was adopted.

Mr. Lenoir moved to strike out the first section of the bill.

Mr. Speaker Barringer, (Mr. Farquharson in the chair,) offered the following in lieu of the 1st section of the bill:

Be it enacted, That it shall be the duty of the county court at the January term of said court, to appoint the assessor of the value of all taxable property in their several counties and to make return thereof to the clerk of the county court designating the property returned according to the present division of civil districts.

Mr. Crudup offered the following proviso to said amendment:

"Provided the county of Perry may elect two assessors on each side of the Tennessee river;" which proviso was adopted.

Mr. Morris moved to amend the amendment by striking out elected by the county court, &c., and inserting "the first Saturday in March, to be elected by the people."

Mr. Moorman moved the previous question, which being seconded by a majority of all the members present.

The main question was then taken, shall the main question be now put, and being determined in the affirmative,

Mr. Black moved to lay said amendment on the table; which was disagreed to by the house; the main question was taken, shall the bill pass, and was determined in the negative, yeas 26, nays 42.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bone, Brooks, Burrus, Carson,

Cross of Madison, Cross of Sullivan, Eubank, Fairclinton, Fisher, Garner, Miller of Marshall, Miller of Hardeman, Moores, Morrow, Nave, Richardson, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Tyler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Boddie, Bond, Cheatham, Cherry, Cleveland, Coggin, Crouch, Crudup, Deavenport, Duggan, Edwards, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jordan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Milligan, Moorman, Morris, Polk, Roach, Scott, Trott, Turney, Walker of Hickman, Wann, Wheeler, Williams, and Wyley.

So said bill was rejected.

Mr. Lenoir moved a reconsideration of the vote just taken rejecting said bill; which motion was laid on the table.

The House took up a bill, No. 22, from the Senate, to secure married women the use and enjoyment of their separate property.

Mr. Humphreys offered the following amendment, to be inserted after the words "not in force," in the 21st line of the first section of said bill.

"But no married woman shall have power to convey, mortgage, or transfer her said separate property, without her husband joining with her, or contract any debts, or become liable for any money unless for articles necessary for the support of herself or family, without the consent of her husband."

Mr. Cradup moved the previous question, which being seconded by a majority of all the members present, the question was then taken: "shall the main question be now put?" and was determined in the affirmative.

The main question was then taken, "shall the bill pass?" and was determined in the negative; yeas 22, nays 49.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Brooks, Cross of Madison, Crouch, Deavenport, Fairclinton, Garner, Goode, Gordon, Houston, Jordan, Maury, Milligan, Moores, Moorman, Polk, Scott, Smart, Turner, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross of Sullivan, Crudup, Duggan, Eubank, Fisher, Goodall, Hamilton, Hodsden, Hord, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Richardson moved a reconsideration of the vote just taken, rejecting said bill; and

Mr. Lenoir moved the previous question; which being seconded by a majority of all the members present, the question was then taken, "shall the main question be now put?" which was determined in the affirmative.

The main question was then taken, "shall the vote of the house re-

jecting said bill, be re-considered?" and was determined in the negative; yeas 35, nays 35.

Those who voted in the affirmative are,

Messrs. Avery, Bond, Bone, Brooks, Burrus, Cherry, Cross of Madison, Crouch, Deavenport, Duggan, Eubank, Farquharson, Garner, Goode, Gordon, Hamilton, Hodsden, Humphreys, Jourdan, Maury, Moorman, Morris, Polk, Richardson, Roach, Rodgers, Scott, Smart, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Black, Bledsoe, Bobo, Boddie, Carson, Cheatham, Cleaveland, Coggin, Cross of Sullivan, Crudup, Edwards, Fisher, Goodall, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morrow, Nave, Sherrill, Trice, Trott, Wheeler, and Williams.

So the House refused to re-consider said vote.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The House took up a bill from the Senate, No. 24, to exempt from execution five head of sheep, on the contingencies specified in this act.

Mr. Coggin offered an amendment in lieu of the whole bill from the enacting clause.

Mr. Black moved the indefinite postponement of the bill and amendments; and the question being taken on agreeing to said motion, it was determined in the negative; yeas 19, nays 60.

The yeas and noes, No. 426, being called for by Mr. Coggin, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Black, Bobo, Carson, Cleaveland, Marr, Miller of Hardeman, Moores, Trimble, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Nave, Polk, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to indefinitely postpone said bill.

Mr. Cross offered an amendment that provides for exempting from execution five acres of land and house thereon; which was rejected.

Said amendment was then further amended and adopted.

Mr. Morris then moved the previous question, which being seconded by a majority of all the members present, the question was then taken.

ken "shall the main question be now put?" which being determined in the affirmative.

The main question was then taken, "shall the bill as amended pass?" and was determined in the affirmative; yeas 54, nays 16.

Those who voted in the affirmative are,

Messrs Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Cross of Madison, Crouch, Crutun, Deavenport, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Marr, Maury, Moorman, Morris, Morrow, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Tyler, Walker of Hickman, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Carson, Cleaveland, Cross of Sullivan, Duggan, Eubank, Hodsdon, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moores, Trimble, Walker of Williamson, Wann, and Williams

So said bill passed on its third and last reading in this House.

The caption of the bill was then amended.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following bills from the Senate: A bill, No. 26, to divide the academy fund of Carroll academy, in the county of Warren, between said academy and the Edmonson female academy in said county—and, A bill, No. 30, to authorise the county court of Monroe county to make appropriation in certain cases; which bills were severally read a third time and passed.

Ordered that the clerk transmit the same to the Senate.

The House took up, a bill from the Senate, No. 34, to reduce and fix the salaries of various public officers.

The amendments reported by the Committee of the Whole House being under consideration.

Mr. Bond moved a concurrence in said report.

Mr. Walker of Williamson moved to lay said bill and amendment on the table; and the question being taken on agreeing to said motion, it was determined in the negative, yeas 29, nays 42.

The ayes and noes, No. 428, being called for by Mr. Black, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bone, Cheatham, Cleaveland, Coggin, Cross of Madison, Crutun, Farquharson, Goodall, Gordon, Hamilton, Hodsdon, Hord, Jourdan, Kinney, Maury, Moorman, Morrow, Richardson, Sherrill, Trice, Tyler, Walker of Williamson, and Wheeler.

Those who voted in the negative are,

Messrs. Black, Brooks, Burrus, Cherry, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Goode, Houston, Huddleston, Hughes, Humphreys, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Nave, Polk, Roach, Rodgers, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused lay said bill on the table.

Mr. Williams moved the previous question, which not not being seconded it was not sustained.

Mr. Nave then moved that said bill and amendments be laid on the table, which motion was agreed to by the House, and said bill was ordered to the table.

The House took up, A bill from the Senate, No. 39, to define the liability of land for arrearages due for taxes; said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative, yeas 58, nays 12.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Brooks, Burrus, Cheatham, Cherry, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Morris, Morrow, Nave, Polk Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Brooks, Carson, Cross of Sullivan, Houston, Moores, Richardson, Rodgers, Turner, Walker of Hickman, and Wyley.

Ordered that the clerk acquaint the Senate therewith.

The House took up, a resolution from the Senate, 45, to amend the 4th section of the 10th article of the constitution of the State of Tennessee so that a new county may be created out of the territory of the counties of Sullivan, Washington, Greene, and Hawkins.

Said resolution was then read a 3d time, and the question being taken, shall the resolution be adopted? and was determined in the affirmative, yeas 53, nays 12.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Back, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cherry, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Goodall, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moorman, Nave, Polk, Scott, Sherrill, Smart, Trimble, Trott, Turney, Walker of Williamson, Walker of Hickman, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Cheatham, Cleveland, Edwards, Goode, Moores, Richardson, Rodgers, Turner, Tyler, Wheeler, and Wyley.

Said resolution passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No. 45, to impose a tax for the use of the State on gold watches, jewelry, plate, piano fortes, except where the latter are used in schools and academies or by teachers of music.

Mr. Morris offered an amendment to exclude from this provision of the act the jewelry worn by gladiators.

Mr. Polk moved to strike out "silver tea and table spoons."

Mr. Williams moved the previous question; which being seconded by a majority of all the members present, the main question was then taken, shall the main question be now put? which was determined in the affirmative; the main question was then taken, shall the bill pass? and was determined in the affirmative, yeas 48, nays 17.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsøe, Bone, Brooks, Burrow, Carson, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kione, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Morrow, Nave, Polk, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Turney, Walker of Hickman, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Boddie, Bond, Cheatham, Farquharson, Garner, Goodall, Goode, Hamilton, Miller of Hardeman, Moorman, Richardson, Trimble, Tyler, and Walker of Williamson.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Marshall moved a reconsideration of the vote just taken; which motion was disagreed to by the House.

Mr. Bond, from the Committee on Enrolled bills, reported as truly engrossed the following bills:—A bill, No. 291, to establish a chancery court at Athens, in McMinn county—A bill, No. 316 to revive the 40th chapter of the public acts of 1829, for a limited period—and A bill, No. 326, to authorize the removal of the seat of justice in Jackson county.

Ordered that the clerk transmit the same to the Senate.

The House took up a bill from the Senate, No. 37, to authorize and require the entry taker of the Ocoee district to refund money in certain cases; on motion of Mr. Hughes, "with interest thereon," in the 1st section stricken out.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 52, nays 31.

Those who voted in the affirmative are,

Messrs. Alexander, Black, Brooks, Carson, Cross of Madison, Crouch, Deavenport, Duggan, Farquharson, Garner, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kione, Lauderdale, Lenoir, Miller of Marshall, Milligan, Morrow, Polk, Rodgers, Sherrill, Smart, Trice, Walker of Hickman, Walker of Williamson, Wann, Williams, and Speaker Mr. Barringer.

Those who voted in the negative are,

Messrs. Bledsøe, Cross of Sullivan, Crudup, Edwards, Eubank, Fisher, Goode, Gordon, Hamilton, Huddleston, McGinnis, Marr, Miller of Hardeman, Moores, Moorman, Morris, Nave, Richardson, Roach, Scott, Trice, Turner, Turney, Tyler, and Wheeler.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 46, to provide for the payment in certain cases.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the negative, yeas 20, nays 48.

Those who voted in the affirmative are,

Messrs. Alexander, Bobo, Burrus, Carson, Cleaveland, Duggan, Eubank, Farquharson, Goode, Hord, Hughes, Humphreys, Miller of Hardeman, Milligan, Morris, Nave, Sherrill, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Cleaveland, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Cradup, Deavenport, Edwards, Fisher, Garner, Goodall, Gordon, Hamilton, Hodsdon, Houston, Huddleston, Jourdan, Kinney, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Moores, Moorman, Morrow, Richardson, Rodgers, Scott, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 48, to prevent prosecutions for assaults and batteries and affrays in certain cases.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the negative, yeas 17, nays 50.

Those who voted in the affirmative are,

Messrs. Carson, Cleaveland, Cradup, Duggan, Eubank, Goodall, Gordon, Hord, Humphreys, Marr, Miller of Hardeman, Nave, Trott, Turner, Walker of Hickman, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cleatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Edwards, Farquharson, Fisher, Garner, Goode, Hamilton, Hodsdon, Huddleston, Hughes, Jourdan, Kinney, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turney, Walker of Williamson, Wann, Williams, Wyley and Mr. Speaker Barringer.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Goode, who had withdrawn for amendment a bill from the Senate, No. 220, to change the time of holding the circuit courts in Marshall and Maury counties, and for other purposes, returned the same without amendment, and said bill was placed on the calendar amongst the Senate bills on their third reading.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the amendments of the House to Senate's bills entitled:—A bill, No. to prescribe the mode of choosing electors to vote for President and Vice

President of the United States.—A bill, No. . to supply vacancies in grand juries, and have severally concurred therein. I am directed to request the retransmission of a bill from the Senate, No. to change the time of holding the circuit and chancery courts. The Senate have read a third time and rejected the following bills from the House:—A bill, No. 44, for the purpose of placing all executions on equal terms—A bill, No. 271, for the benefit of owners of public mills; and the same is herewith transmitted. The speaker of the Senate has signed an enrolled bill of the Senate entitled an act to authorise the Planters' and Union Bank of Tennessee to declare certain dividends; and the same is herewith transmitted for the signature of the speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

Mr. Coggin moved a reconsideration of the vote of the House taken on this evening rejecting A bill, No. 48, from the Senate, to prevent presentments for assaults and batteries and affrays, in certain cases.

Mr. Roach moved the previous question; which being seconded by a majority of all the members present,

The question was then put, shall the main question be now taken; which being determined in the affirmative, the main question was then taken, shall the House reconsider said vote, and was determined in the negative, yeas 22, nays 49.

The ayes and noes No. 435, being called for by Mr. Coggin and ordered by the House.

Those who voted in the affirmative are,

Messrs Bledsoe, Carson, Cleaveland, Coggin, Cross of Sullivan, Grudup, Deavenport, Duggan, Edwards, Eubank, Garner, Goodall, Humphreys, Jaudan, Mair, Morris, Nave, Rodgers, Sherrill, Trott, Turner, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Bond, Bone, Brooks, Burris, Cheatham, Cherry, Cross of Madison, Crouch, Farquharson, Fisher, Glenn, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Mountman, Morrow, Polk, Richardson, Roach, Scott, Smart, Trice, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

On motion of Mr. Polk, the House took up the motion of Mr. Bond to reconsider the vote of the house taken on the 15th instant, on the passage of a bill No 249, to incorporate the Nashville Dam and Lock company.

And the question being taken on agreeing to said motion, it was determined in the negative; yeas 34, nays 36.

The ayes and nays No. 436, being called for by Mr. Hamilton, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bone, Brooks, Burrus, Carson, Coggin, Crouch, Crudup, Duggan, Edwards, Eubank, Farguharson, Fisher, Garnet, Goodall, Hamilton, Houston, Huddleston, Humphreys, Lauderdale, Lenoir, Miller of Marshall, Moore, Nave, Richardson, Roach, Rodgers, Trott, Turney, Walker of Hickman, Walker of Williamson, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Glenn, Goode, Gordon, Hildsen, Hord, Hughes, Jourdan, Kinney, McGinnis, Marr, Miller of Hardeman, Milligan, Moorman, Morris, Morrow, Scott, Sherrill, Smart, Trice, Trimble, Turner, Williams, Wyley, and Mr. Speaker Barringer.

So the refused to re-consider said vote.

Mr. Brooks moved to take up his motion to reconsider the vote of the House on the instant, rejecting a bill from the Senate.

Which motion was disagreed to by the House.

The House took up a bill from the Senate, No. 50, to vest in the circuit courts the power to restore certain persons to the rights of citizenship.

Mr. Gordon offered an amendment in lieu of the whole bill from the enacting clause:

Mr. Polk moved to amend said amendment by striking out "three" and inserting "two years."

Which amendment was rejected.

Said amendment offered by Mr. Gordon was then adopted.

Said bill as amended was then read a third time, and the question being taken, shall said bill pass? it was determined in affirmative, yeas 67, nays 5.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bone, Boddie, Bone, Brooks, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Deavenport, Edwards, Eubank, Farguharson, Fisher, Garnet, Glenn, Goodall, Goode, Gordon, Hamilton, Hildsen, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moore, Moorman, Morris, Morrow, Nave, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Carson, Miller of Hardeman, Rodgers, and Turner.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 52, to establish a Female Academy in the county of White.

Which was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 32, to repeal an act passed on the 25th January, 1840, entitled an act to increase the tax on brokers.

Mr. Crudup moved to amend said bill by striking of said bill as the license of brokers "*one hundred dollars*" and inserting "*one hundred and fifty dollars*."

On motion of Mr. Morrow, the question was divided; and the question being taken on striking out, it was determined in the affirmative, yeas 42, nays 30.

The yeas and nays, No. 438 being called for by Mr. Crudup and ordered by the House, those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Farquharson, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Huddleston, Hughes, Humphreys, Jourdan, Kinney, M'Ginnis, Marr, Miller of Marshall, Milligan, Morris, Polk, Roach, Sherrill, Trott, Turney, Walker of Williamson, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Cheatham, Cherry, Edwards, Fisher, Glenn, Houston, Lauderdale, Lenoir, Miller of Hardeman, Moores, Moorman, Morrow, Nave, Richardson, Rodgers, Scott, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Williams, Wyley, and Mr. Speaker Barringer.

So the House agreed to strike out one hundred dollars. Mr. Trott moved to fill the blank "*with one thousand dollars*" as the license of brokers, and the question being taken on agreeing to said motion it was determined in the negative, yeas 8, nays 63.

The yeas and nays No. 439, being called for by Mr. Trott, and ordered by the House, those who voted in the affirmative are,

Messrs. Coggin, Cross of Sullivan, Deavenport, Huddleston, Polk, Trott, and Turney.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Crouch, Crudup, Duggan, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to fill the blank as moved by Mr. Trott.

Mr. Farquharson offered an amendment in lieu of the whole bill after the enacting clause, with a proviso "that said person shall be considered and adjudged to be a broker, who came within the provisions of the act of 1823, chap. 55;" which amendment was adopted.

Mr. Bond moved to amend said bill, as amended, by adding an additional section "providing for a repeal of so much of a law passed this day as relates to taxing jewelry."

Mr. Farquharson moved the "previous question;" which being seconded by a majority of all the members present, the question was then taken "shall the main question be now put?" which being determined in the affirmative,

The main question was then taken "shall the bill as amended pass?" and was determined in the affirmative, yeas 64, nays 8.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Crouch, Crudup, Deavenport, Duggan, Edwards, Fairquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Hoddsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Milligan, Moores, Moorman, Morris, Morrow, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, Wyley and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cross of Sullivan, Eubank, Miller of Marshall, Wann, Trott, and Turner.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 65, to amend an act entitled "an act to appropriate money for the improvement of rivers in East Tennessee."

Mr. Duggan asked and obtained leave to withdraw said bill for amendment.

The House took up a bill from the Senate, No. 66, to define the duties of Attorney Generals.

Mr. Fairquharson moved to strike out all after the enacting clause and insert the following: "that all laws authorising Attorney Generals to receive a salary of one hundred and twenty five dollars, be and the same are hereby repealed;" which amendment was adopted.

Mr. Gordon moved to amend said amendment by adding an additional section "providing that the pay of Judges and Cancellors elected by the General Assembly or to be elected, shall receive thirteen hundred dollars salary so paid heretofore."

Mr. Morrow moved the "previous question;" which being seconded by a majority of all the members present, the question was then taken "shall the main question be now taken?" which being determined in the affirmative.

The main question was taken "shall the bill pass?" and was determined in the affirmative, yeas 53, nays 17.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fairquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hord, Huddleston, Hughes, Humphreys, Jourdan, Lenoir, M'Ginnis, Miller of Marshall, Milligan, Moores, Morris, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bobo, Boddie, Cheatham, Cherry, Glenn, Gordon, Hoddsden, Houston, Kinney, Lauderdale, Manry, Moorman, Marr, Trice, and Trimble.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

It being suggested to the House by Mr. Bond that in taking the vote of the House on this afternoon on reconsidering the vote on the passage of, a bill from the Senate, No. 45, to impose a tax for the use of the State, on gold watches, jewelry, plate, pianos forte, except when the latter are used in schools and academies, or by teachers of music, a mistake had been made by the chair in the count, and that the result of said vote was therefore wrongly announced to the House.

as a refusal to reconsider said vote, whereas if the count had been correctly taken, the result would have been different from that announced by the chair; therefore

On motion of Mr. Bond,

Ordered that the vote of the House on said motion to reconsider be again taken, in order that said mistake may be corrected.

And the question being taken on reconsidering said motion, it was determined in the negative; yeas 27, nays 42.

The yeas and nays No. 442, being called for by Mr. Gordon, and ordered by the House, those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsce, Bond, Cheatham, Cross of Madison, Crouch, Edwards, Goode, Hodsden, Humphreys, Lauderdale, Lenoir, Miller of Marshall, Moorman, Morris, Polk, Richardson, Rodgers, Sherrill, Smart, Trimble, Tyler, Walker of Hickman, Walker of Williamson, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Bobo, Boddie, Bone, Brooks, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Sullivan, Crudup, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Hord, Houston, Huddleston, Jourdan, Kinney, McGinnis, Marr, Milligan, Moores, Morrow, Nave, Roach, Scott, Trice, Trott, Turner, Turvey, Wann, Wheeler, and Williams.

So said motion did not prevail.

The House then adjourned.

WEDNESDAY, JANUARY 24, 1844.

The House met pursuant to adjournment.

The House took up a communication from the President of the Bank of Tennessee transmitted from the Senate; which was read at the clerk's table, and is as follows:

BANK OF TENNESSEE, Jan. 19th, 1844.

To the Speaker of the Senate: I have had the honor to receive a copy of a preamble and resolution adopted by the General Assembly requiring the President of the Bank of Tennessee to state what become of \$72,161 39, reported by William Nichol, late President of the Bank of Tennessee, to be in said Bank on the 1st October, 1841.

In Mr. Nichol's report to the General Assembly dated October 8th, 1841, two items are included in his statement of the surplus profits of the Bank, which are not contained in my report to the Legislature on the 1st October, 1843, viz: \$36,600 17, the sum estimated to be lost at the Bank at Columbia by the defalcation of Edward W. Dale's former Cashier of that Bank, and \$16,000 00 discount off \$80,000 00 State Bonds, purchased by the Branch at Athens at 20 per cent discount. This sum was at first placed in the exchange account of that Branch and appeared as part of the profits at that time, but soon after Mr. Nichol's report was made taken out of that account and carried to another "suspense account" on State Bonds. At the time Mr. Nichol's report was made, it was not known that the amount charged to Edward W. Dale and his securities would be lost, and it was therefore properly retained, but previous to the time of making my report, a

judgment had been recorded against the said securities for a considerable portion of the amount claimed and execution issued and returned, "no property found," by the Sheriff of Maury county; the other item of 16,000 00 discount off the State Bonds was blended in the general statement, and consequently, as I presumed, escaped his attention.

Now deduct the two items amounting to \$52,600 17, from \$72,161 39, there remain \$19,561 22 alleged to be and accounted for in my report, instead of said sum of \$72,161 39. I will now proceed to show what has become of that sum.

By reference to my report to the General Assembly on the 1st Oct., 1843, it will be perceived that the surplus of \$69,159 51, had reference to the 1st July, 1843, one year and nine months from the date of Mr. Nichol's report, whilst the amount stated in the resolution, viz: \$72,161 39, refers to the 1st October, 1843, two years after Mr. Nichol's report was made; from July to October none of the appropriations are paid except a portion of the interest on Internal Improvement Bonds, consequently the surplus profits would be greater at the latter than at the former period; our aggregate statement of the condition of the Bank and Branches on 1st October, 1843, exhibits a surplus profit of \$102 008 96, instead of \$69,159 51 as shown on the 1st July, 1843; thus it appears that profits on 1st October, 1843, exceed the profits on the 1st July, 1843, the sum of \$32,849, 45, an amount sufficient to absorb the \$19,561 22, and leave a balance \$13,238 23.

Having as I trust shown what has become of \$72,161 39, I will present to your honorable body another view of the case which will show that there is no discrepancy between Mr. Nichol's report in 1841, and mine in 1843.

Amount of surplus profits reported to be on hand October 1st, 1841, by Mr. W. Nichol, 278,534 39

Deduct Dale's defalcation,	34,600 17	
" Discount Bonds,	16,004 17	52,600 17

225,934 22

Amount of Dividends from October 1841, to July 1st, 1842,	143,477 36
" " " July 1st, 1843,	175,035 64

\$544,449 19

From which deduct the payment of the liabilities of the bank during that period.

Appropriation to schools and academies,	July 1st, 1842,	118,000 00
" " "	July 1st, 1843,	110,000 00
Interest on 10 per cent. bonds,	Nov. 1st, 1841,	30,000 00
" " " "	May 1st, 1842,	30,000 00
" " " "	Nov. 1st, 1842,	30,000 00
" " " "	May 1st, 1843,	30,000 00

Interest paid on Internal Improvement bonds from Oct. 1st, 1841, to Oct. 1st, 1843,	109,457 85
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\$407 85

Which amount of \$475,487 85 deducted from \$554,449 19, leaves \$48,061 34, only \$198 17 less than the amount of surplus reported to be on hand by me on 1st July, 1843; a difference remarkably slight considering the various changes in the profit and loss accounts of the branches during that period.

Very respectfully your obedient servant,

FELIX ROBERTSON, President.

Mr. Marr moved that one hundred and fifty copies of said communication be printed.

Mr. Farquharson moved that five hundred copies be printed.

Mr. Hodsden moved the previous question, which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put, which being determined in the affirmative, the main question was then taken, shall five hundred copies be printed, and was determined in the affirmative, yeas 48, nays 21.

The ayes and nays, No. 443, being called for by Mr. Wheeler, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Cheahaa, Cherry, Coggin, Cross of Sullivan, Crouch, Deayenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Mott, Milligan, Miller of Hardeman, Miller of Marshall, Nave, Polk, Rawlings, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bone, Brooks, Burrus, Carson, Cleveland, Crois of Madison, Cradup, Duggan, Goodall, Goode, Hamilton, Huddleston, Jourdan, Lenoir, Moorman, Morrow, Richardson, Roach, Wheeler, and Williams.

So the house ordered that 500 copies be printed for the use of the house.

The house took up the report of the Committee on Claims, laid on the table on the 29th ult.

A petition No. 152, of Samuel Wilson, praying for Legislative relief; which report of the committee is against the prayer of the petitioner and ask to be discharged from the further consideration thereof; which report was concurred in by the house, and the committee discharged.

The house took up a resolution from the Senate, No. 100, relating to certain resolutions adopted by the General Assembly of the State of Tennessee at their session of 1827, condemnatory of John Q. Adams and Henry Clay, referred to in said resolutions; which was made the order of the day for Saturday next.

The house took up the report of the select committee in relation to certain resolutions adopted by the General Assembly of 1839, presented to the Senate by Mr. Cocke, January, 1844, transmitted from the Senate; which was made the special order of the day for Saturday next.

The house took up and considered the amendments of the Senate to a bill of the house, No. 218, to authorize the payment to the Lou-

ville, Charleston, and Cincinnati railroad and to cancel the State bonds issued to said company; which amendments of the Senate were heretofore nonconcurrent in by the House and insisted on by the Senate.

Upon further consideration thereon, Mr. Miller of Hardeman moved that the House insist on the nonconcurrence to the amendments of the Senate to said bill.

Mr. Marr moved the previous question, which being seconded by a majority of all the members present, the question was taken shall the main question be now put, which being determined in the affirmative, the main question was then taken, shall the House insist on the nonconcurrence to Senate's amendment, and was determined in the affirmative, yeas 46, nays 22.

The yeas and noes No. 356, being called for by Mr. Williams, and ordered by the House, those who voted in the affirmative are,

Messrs. Avery, Black, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Gordon, Hamilton, Huddleston, Joudan, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Polk, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Carson, Cleveland, Cross of Sullivan, Crouch, Duggan, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Milligan, Marr, Rawlings, Sherrill, Turner, Wana, Wheeler, and Williams.

So the House insist on their nonconcurrence.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill, No 253, to alter the county line between the counties of Giles and Marshall."

The motion of Mr. Milligan, on the reconsideration of the vote of the House, adopting the proviso to said bill; which motion was withdrawn.

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Gordon, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, Wana, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Blenisoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleveland, Crudup, Duggan, Goode, Hamilton, Hodsden, Hord, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up, "A bill, No. 270, to prohibit the building of dams or causeways across certain streams."

On motion of Mr. Miller of Hardeman,
Said bill was indefinitely postponed.

Mr. Morris, who had withdrawn for amendment "A bill from the Senate, No. 173, to repeal the act of 1824, chap. 20," and for other purposes, returned the same without amendment, and the same was ordered to its place on the calendar, amongst Senate's bills on their third reading.

Mr. Boddie submitted the following resolution, No. 492:

Resolved by the General Assembly of the State of Tennessee, That the job printers for the General Assembly be, and they are hereby directed under the superintendence of the Secretary of State, to print five thousand copies of the captions of the acts and resolutions passed at the present session of the General Assembly, for the use of the member; which was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill, No. 275, to regulate and restrain the retail of spirituous and vinous liquors."

Mr. Speaker Barringer, (Mr. Goode in the chair,) offered an amendment as a proviso in the first section as follows: Provided, that it shall not be lawful for said justices to grant a license to any person to retail, without the limits of any incorporated town of this State, unless the applicant for such license, produce to the court the written assent of a majority of the freemen of the civil district, in which he proposes to establish or carry on such retail business.

Mr. Morris, moved to amend said amendment, by inserting after the word "freemen" "and ladies."

Mr. Boddie moved the previous question, which was not seconded.

Pending the discussion on the amendment offered by Mr. Speaker Barringer, the house adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendment offered by Mr. Speaker Barringer, pending when the house adjourned on this morning; and the question being taken on the adoption of said amendment, it was determined in the negative; yeas 28, nays 39.

The yeas and nays, No. 446, being called for by Mr. Farquharson, and ordered by the house,

Those who voted in the affirmative are,

Messrs. Black Boddie, Bond, Carson, Cheatham, Cross of Madison, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Good, Houston, Kinney, Lenoir, Maury, Moorman, Nave, Lock, Roach, Rodgers, Trimble, Tyler, Walker of Williamson, Wann, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bledsoe, Bobo, Brooks, Burrus, Cherry, Cleveland, Cross of Sullivan, Crouch, Crudup, Fargason, Glenn, Goodall, Gordon, Holsden, Hord, Hughes, Humphreys, Jourdan, Lauderdale, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Rawlings, Richardson, Scott, Sherrill, Trice, Trott, Turner, Turney, Walker of Hickman, Williams, and Wyley.

So said amendment was rejected.

Mr. Trott moved to strike out the seventh section of the bill; which motion was agreed to by the House, and was thereupon stricken out.

Mr. Speaker Barringer offered the following in lieu of the section just stricken out:

Sec. 7. If any person or persons shall retail spiritous or vinous liquors without first obtaining such license, he, she, or they, their aiders and abettors, shall be deemed guilty of misdemeanors, and upon conviction thereof shall be punished as in other cases of misdemeanors; which was adopted.

On motion, the third section of the bill was amended by striking out two hundred and inserting "five hundred," and also ten per cent. on additional investment.

Mr. Wyley offered an amendment in lieu of the ninth section, which provides that all the moneys accruing from this act shall be paid over to the comptroller of the treasury, to be disbursed among the several counties in this State as other school moneys are distributed by law.

Mr. Williams offered an amendment in lieu of the amendment offered by Mr. Wyley, which provides that one half of the money collected under the provisions of this act, shall be paid into the treasury for the use of the State, and the other half to the county in which the same was received, under the direction of the county court; which amendments were severally adopted.

Mr. Speaker Barringer moved to amend the 9th section so as to provide that the money so collected by the clerks of the county courts shall be paid into the the treasury, one half to be applied for the use of common schools as now annual distributed, and the other half to be vested in the bank of the State, by the comptroller and president of the bank of Tennessee to be cancelled.

Mr. Walker of Williamson, moved to amend said amendment so as to provide that all the moneys so raised, shall be paid into the treasury for revenue purposes; which amendment was rejected.

The amendment offered by Mr. Barringer, was then adopted.

Mr. Trott moved the previous question, which being seconded by a majority of all the members present,

Mr. Gordon moved to lay said bill and amendments on the table.

And the question being taken on agreeing to said motion, it was determined in the negative; yeas 17, nays 52.

The yeas and nays, No. 447, being called for by Mr. Gordon, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Boddie, Carson, Cherry, Fisher, Goode, Gordon, Marr, Miller of Marshall, Moores, moorman, Polk, Rodgers, Trimme Taney, Walker of Hickman, and Wann.

Those who voted in the negative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Bond, Brooks, Burrus, Cheatham, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquarson, Garner, Glenn, Goodall, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Milligan, Morris, Morrow, Nave, Rawlings, Richardson, Scott, Sherrill, Smart, Trice, Trott, Turner, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to lay said bill on the table; the question was then taken "shall the main question be now put?" which being determined in the affirmative, the main question was then taken "shall the bill pass?" and was determined in the negative; yeas 25, nays 36.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Brooks, Burrus, Cleveland, Crudup, Deavenport, Eubank, Farquarson, Garner, Goodall, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lauderdale, Lenoir, Milligan, Morrow, Rawlings, Richardson, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Walker of Hickman, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Bond, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Edwards, Fisher, Glenn, Goode, Gordon, Hamilton, Huddleston, Kinney, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Nave, Polk, Scott, Trimble, Turney, Tyler, Walker of Williamson, Wann, and Wheeler.

So said bill was rejected.

Mr. Wheeler moved a reconsideration of the vote of the House rejecting said bill.

Mr. Polk moved a call of the House, which motion was agreed, to and a call of the House was ordered, and upon all the members appearing and answering their names; on motion of Mr. Miller of Hardeman, the further call was dispensed with, and the question being taken on the reconsideration as moved by Mr. Wheeler, it was determined in the affirmative, yeas 41, nays 22.

The yeas and nays, No. 450, being called for by Mr. Walker of Williamson, and was ordered by the House, those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bobo, Bone, Brooks, Burrus, Cleveland, Goggin, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquarson, Garner, Goodall, Hamilton, Hodsden, Hord, Hughes, Humphreys, Jourdan, Lauderdale, Lenoir, McGinnis, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trott, Walker of Williamson, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Boddie, Bone, Carson, Cleveland, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Fisher, Glenn, Goode, Gordon, Huddleston, Kinney, Marr, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Polk, Scott, Trimble, Turner, Turney, Tyler, Walker of Hickman, and Wheeler.

So the House agreed to reconsider said vote; said bill was then read a third time and amended.

Mr. Morrow moved the "previous question?" which being seconded by a majority of all the members present, the question was then taken "shall the main question be now put?" which being determined in the affirmative.

The main question was then taken "shall the bill pass?" and was determined in the affirmative, yeas 38, nays 36.

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bobo, Bone, Brooks, Burrows, Cleveland-Coggin, Crudup, Deavenport, Edwards, Eubank, Farquharson, Garner, Goodall, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lenoir, M^r Ginnis, Milligan, Morrow, Rawlings, Richardson, Rodgers, Sherrill, Smart, Trice, Turner, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Black, Boddie, Bond, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Duggan, Fisher, Glenn, Goode, Gordon, Hamilton, Huddleston, Kinney, Marr, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Nave, Polk, Roach, Scott, Trimble, Turney, Tyler, Walker of Hickman, Wann, and Wheeler.

Said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

Mr. Carson moved to amend the caption, by striking out and inserting in lieu thereof the following: A bill to license tippling houses by the authority of law.

Mr. Richardson moved the previous question; which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put? which being determined in the affirmative.

The question was then taken, shall the title of the bill be adopted? and was determined in the affirmative, yeas 43, nays 33.

The ayes and nays, No. 452, being called for by Mr. Fisher, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bone, Brooks, Burrows, Cleveland, Coggin, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Garner, Glenn, Goodall, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lauderdale, Lenoir, M^r Ginnis, Milligan, Morrow, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trott, Turner, Walker of Hickman, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bobo, Boddie, Bond, Carson, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Fisher, Goode, Huddleston, Kinney, Marr, Maury, Miller of Marshall, Moores, Moorman, Morris, Nave, Polk, Roach, Trimble, Turney, Tyler, Wann, and Wheeler.

Mr. Trott moved a reconsideration of the vote of the House on the passage of said bill.

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 30, nays 42.

The ayes and nays, No. 453, being called for by Mr. Trott, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Black, Boddie, Carson, Cheatham, Cherry, Cross of Madison, Crouch, Fisher, Glenn, Goode, Gordon, Huddleston, Kinney, Marr, Maury, Miller of Marshall, Moores, Morris, Nave, Polk, Roach, Scott, Trimble, Turney, Tyler, Wann, and Wheeler.

Messrs. Anderson, Avery, Bledsoe, Bobo, Bone, Brooks, Burrus, Cleveland, Coggin, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Garner, Goodall, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lauderdale, McGinnis, Milligan, Morrow, Rawlings, Richardson, Rodgers, Sherrill, Smart, Trice, Trott, Turner, Walker of Hickman, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

The House took up a bill No. 21, to repeal a part of the twelfth section of the act of 1772, chapter 11, to establish ordinaries and tippling houses.

Mr. Farquharson moved the previous question; which being seconded, the question was then taken, shall the main question be now put? which being determined in the affirmative.

The main question was then taken, shall the bill pass? and was determined in the negative, yeas 33, nays 41.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bone, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Eubank, Farquharson, Garner, Goodall, Hodsden, Hord, Hughes, Humphreys, Jourdan, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Nave, Sherrill, Smart, Trott, Walker of Hickman, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cross of Madison, Duggan, Edwards, Fisher, Glenn, Goode, Gordon, Hamilton, Houston, Hughes, Huddleston, Kinney, Lenoir, Maury, Miller of Hardeman, Moore, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Trice, Tumble, Turner, Turney, Tyler, Walker of Williamson, and Wyley.

Said bill was rejected.

Mr. Trimble moved a reconsideration of the vote of the House just taken rejecting said bill.

And the question being taken on agreeing to said motion it was determined in the negative, yeas 32, nays 38.

The yeas and nays, No. 454 being called for by Mr. Trimble and ordered by the House, those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Boddie, Bone, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Farquharson, Garner, Goode, Hord, Huddleston, Humphreys, Jourdan, Lauderdale, McGinnis, Miller of Marshall, Milligan, Morris, Nave, Smart, Turney, Walker of Hickman, Wann, and Wheeler.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bond, Brooks, Burrus, Cleveland, Cheatham, Coggin, Deavenport, Fisher, Glenn, Goodall, Gordon, Hamilton, Hodsden, Houston, Kinney, Lenoir, Marr, Maury, Moores, Moorman, Polk, Rawlins, Richardson, Roach, Rodgers, Scott, Sherrill, Trice, Trimble, Turner, Tyler, Walker of Williamson, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to reconsider said vote:

The House took up a bill, No. 307, to remove the obstructions
Bed's river in Overton county.

On motion of Mr. Walker of Hickman,

Said bill was indefinitely postponed.

Mr. Alexander, who had withdrawn for amendment a bill from the
Senate, No. 6, to repeal the act of 1832, chap. 3, entitled an act to
abolish imprisonment for debt, and for other purposes, returned the
same with the following amendments: add to the 2d section, "but if
not discharged he shall be entitled to an appeal to the circuit court
giving bail to appear when an issue of facts shall be made up and tried
as other jury cases are tried in said court. In sec 3d and 5th line to
strike out "the court" and insert "a lawful jury."

Section 5th Be it enacted, That this act shall take effect from and
after the 5th day of June next.

Mr. Goode offered an amendment in lieu of the 2d section.

Said bill and amendments were ordered to be placed on the cal-
endar amongst Senate bills on their third reading.

Mr. Black moved a reconsideration of the vote of the House on yes-
terday on the passage of a bill from the Senate, No. 24, to exempt
from execution five head of sheep on the contingencies therein specified.

The Speaker declared said motion to be out of order inasmuch as
the same had been transmitted to the Senate and was therefore out of
the reach of this House.

Mr. Black moved that the House now take up the motion of Mr.
Bond, to correct the mistake in the count on yesterday, on the recon-
sideration of the vote of the House on the passage of "A bill from the
Senate, No. 45, to impose a tax for the use of the State, on gold watch-
es, jewelry, Plate, pianos forte, except when the latter are used in
academies and schools, or by teachers of music; which motion was dis-
agreed to by the House.

Mr. Farquharson moved that said bill be transmitted to the Senate.

And the question being taken on agreeing to said motion, it was de-
termined in the affirmative, yeas 42, nays 25.

The ayes and nays being called for by Mr. Black, and ordered by
the House,

Those who voted in the affirmative are,

Messrs. Bone, Brooks, Carson, Cherry, Cleveland, Coggin, Cross
of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Euhank,
Farquharson, Fisher, Garner, Goodall, Gordon, Hodsden, Hord, Hous-
ton, Huddleston, Jordan, Kinney, Lenoir, McGinnis, Varr, Milligan,
Moore, Moorman, Nave, Polk, Roach, Scott, Sherrill, Smart, Turner,
Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Eddie, Bond,
Burrus, Cheatham, Cross of Madison, Goode, Hamilton, Hughes,
Humphreys, Lauderdale, Maury, Miller of Marshall, Morris, Raw-
lings, Richardson, Rodgers, Trice, Trimble, Tyler, Walker of Hick-
man, and Wyley.

So the House ordered its transmission to the Senate.

The House took up the following bill: A bill, No. 311, to amend an act entitled, an act to establish a board of commissioners for the improvement of the rivers in Tennessee east of Knoxville, passed Jan. 26th, 1833; and A bill, No. 317, to restore the capital of the bank of Tennessee, to provide a fund for the payment of the State debt, and to aid the cause of education; which bills were ordered to the table.

The House took up, A bill, No. 315, to compel the commissioners of Polk county to report and pay over certain moneys in their hands; said bill was read a third time and passed and was ordered to be engrossed and transmitted to the Senate.

The House took up, A bill, No. 318, more effectually to provide against the defalcations of the public officers of the State; Said bill was then read a third time; and the question being taken, shall the bill pass? it was determined in the affirmative, yeas 86, nays 3.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Arvey, Black, Bledsoe, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Hamilton, Hodsdon, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Mulligan, Morris, Morrow, Nave, Rawlins, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Gordon, Morris, and Polk.

So said bill passed on its third and last reading in this house and was ordered to be engrossed and transmitted to the Senate.

A message from the Senate by Mr. Cocke, their clerk:

Mr. Speaker: The Senate have taken up and considered the amendment of the House to Senate's bills of the following titles: A bill, No. to authorise and require the Entry-taker of the Oence District to refund money in certain cases—A bill to vest in the circuit courts the power to restore certain persons the rights of citizenship; and A bill to define the duties of Attorneys General; In which amendments the Senate severally concur. The Senate have taken up and considered the amendment of the House to A bill from the Senate, No. 21, to exempt from execution five head of sheep, on the contingencies therein specified, and have nonconcurred therein. The Senate have taken up and considered A preamble and resolution from the House, No. 114, in relation to providing safe guards for the domestic institutions of the South and South west, and have concurred therein, with an amendment, herewith transmitted, and the concurrence of the House in said amendment is requested. The Senate have taken up and considered the report of the Committee of Conference on the disagreement of the two houses to the amendment to, A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of DeKalb; in which report the Senate nonconcur, and said bill and report is herewith transmitted. The Senate have taken up and considered the amendments of the House to, A bill of the Senate, No. 79, to change the times of holding the circuit and chancery court therein named, and have concurred in the first and second amendment of the House with an amendment, and with the third amendment without amendment: the same is herewith transmitted for the concurrence of the House. The Speaker

of the Senate has signed the following Enrolled Bills of the Senate: An act to supply the vacancies in grand juries—An act to prescribe the mode of choosing electors to vote for the President and Vice President of the United States—An act to provide for the registration of titles to the State, and for other purposes; and an act to provide for the payment of freight, and other necessary charges on books and documents transmitted to the Executive of Tennessee; which Enrolled Bills are herewith transmitted for the signature of the Speaker of the house of Representatives.

The Speaker of this house thereupon signed said Enrolled Bills.

Ordered that the clerk acquaint the Senate therewith.

The house took up, A bill, No. 315, to amend the laws in relation to common schools.

Mr. Speaker Barringer offered an amendment which provided for the continuation in office of the present Superintendent of Public Instruction, until the first day of March next; which amendment was adopted.

Said bill as amended was then read a third time.

And the question being taken, "shall the bill pass?" it was determined in the affirmative, yeas 40, nays 23.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Burrus, Carson, Cherry, Heavenport, Duggan, Lubauk, Parquharson, Fisher, Garner, Goodall, Godden, Herd, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moore, Polk, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Turney, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Boddie, Bond, Bone, Cheatham, Cleaveland, Coggins, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Edwards, Goodall, Gools, Hamilton, Marr, Miller of Marshall, Moores, Nave, Roach, Turner, Walker of Hickman; and Wheeler.

So said bill passed on its third and last reading in this house, and was ordered to be transmitted to the Senate.

The house then adjourned.

THURSDAY, 25th JANUARY, 1844.

The House met pursuant to adjournment.

A message from the Senate by Mr. Cocke their Clerk:

MR. SPEAKER: The Senate have taken up and indefinitely postponed a bill from the House, No. 209, to regulate the pay of members of the Legislature, clerks and door keepers; the Senate have reported, a bill, No. 142, from the House, to establish a Chancery court at Waynesboro, in the county of Wayne; which bills are herewith transmitted, the Senate have taken up and considered the amendments of the House to a bill of the Senate, No. 52, to repeal an act passed on the 25th January, 1841, entitled "an act to increase the tax on brokers;" in which amendment of the House the Senate concurred with an amendment, and the concurrence of the House therein is requested.—The Senate have taken up and considered the insisting of the House upon their nonconcurrence to a bill from the Senate, No. 216, to authorize the payment of money to the Louisville, Charleston, and Cincinnati rail road, and to cancel the State Bonds issued to said company; and upon further consideration of the Senate ask for a Committee of Conference on the disagreement of the two Houses on said amendments, and have appointed Messrs. Farrington, Cocke, and Sneed, to be of said committee on the part of the Senate and the concurrence of the House in said proposition is requested. The Senate have read a

third time and passed a bill, No. 142, to submit to a vote of the people an amendment to the constitution; which is herewith transmitted and the concurrence of the House in the passage thereof, is requested. The Senate have read a third time and passed, without amendment, the following bills from the House: A bill, No. 240, to prevent the circuit court of Perry county from laying a general tax for the purpose of building a court house and jail in said county; and a bill, No. 244, to amend the fourth section of an act, passed October 29th, 1842, to apportion the representation in the General Assembly of the State of Tennessee; which bills are herewith transmitted. The Speaker of the Senate has signed the following enrolled bills from the Senate and resolutions: An act to establish a Female Academy, in the county of White—An act to repeal all laws allowing salaries to Attorney Generals—An act to authorize and require the entry taker of the Ocoee District to refund money in certain cases—An act to divide the Academy fund of Carroll Academy, in the county of Warren, between said Academy and Edmonson Academy in said county—An act to authorize the county courts of Monroe county to make appropriations in certain cases—An act to vest in the circuit courts the power to restore certain persons to the rights of citizenship—An act to impose a tax for the use of the State on gold watches, jewelry, paintings, pianos forte, except when the latter are used in Schools and Academies, or by teachers of music—An act to define cases in which the State may be taxed with costs—An act to define the liability of land for arrearages due for taxes—and a resolution to amend the 4th section, of the 14th article of the constitution of the State of Tennessee, so that a new county may be created out of the territory of the counties of Sullivan, Washington, Greene, and Hawkins: which enrolled bills and resolutions are herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the House thereupon signed said enrolled bills and resolution.

Mr. Hughes presented a report and memorial, No. 192, from the town commissioners of Benton, in the county of Polk, and a copy of the record of the county court of said county, and a memorial, No. 193, from sundry citizens on the same subject; which report and memorial was ordered to be transmitted to the Senate.

Mr. Speaker Barringer presented a report, No. 216, of the commissioners of the Obion River: which was read and ordered to be transmitted to the Senate.

Mr. Miller of Hardeman from the committee on Judiciary, to which had been referred a bill from the Senate, No. 188, to change the time of holding certain circuit and chancery courts. Reported that the committee had had the same under consideration, and had instructed him to report said bill with sundry amendments thereto, and with said amendments to recommend the passage thereof; which amendments were severally concurred in.

Said bill, as amended, was then read a third time and passed.

Ordered that the Clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the same committee, to which had been referred a bill, No. 236, to relieve the people of this State to some extent from the payment of costs in certain prosecutions, reported the same without amendment, and recommended its rejection.

And the question being taken "shall the bill pass?" it was determined in the negative. Yeas 20, nays 47.

The yeas and noes, No. 450, being called for by Mr. Carson and ordered by the House, Those who voted in the affirmative are,

Messrs, Carson, Cleveland, Grogan, Duggan, Goolball, Holsden, Houston, Humphreys, Jordan, Kearney, Lenoir, Marr, Morris, Noorman, Nave, Rawlins, Rodgers, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Black, Bobo, Boddie, Bone, Burrus, Cheatham, Cherry, Cross of Madison, Crouch, Crudup, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Huddleston, Hughes, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Polk, Richardson, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wiley, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Trimble from the select committee on revenue to which had been referred: A bill, No 296, to provide a sinking fund for the gradual extinction of the public debt; reported the same without amendment and recommend its passage.

Mr. Goodall moved to strike out the 4th section of the bill, which proposes an additional tax of two and a half cents on the hundred dollars for a sinking fund

Mr. Black moved the previous question; which being seconded by a majority of all the members present, and the question being taken, shall the main question be now put? which was determined in the affirmative; the main question was then taken, shall the bill pass? and was determined in the negative, yeas 12, nays 59.

The ayes and nays, No. 461, being called for by Mr. Turner, and ordered by the house, those who voted in the affirmative are,

Messrs. Boddie, Farquharson, Leloir, Maury, Moorman, Rawlings, Richardson, Rodgers, Trice, Trimble, Turner, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bond, Bone, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Huddleston, Hamilton, Hord, Houston, Huddleston, Hughes, Humphreys, Jordan, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moore, Nave, Polk, Roach, Scott, Sherrill, Smart, Turner, Turney, Walker of Hickman, Warr, Wheeler, Wiley, Williams, and Mr. Speaker Barringer.

So said bill was rejected.

Mr. Richardson, from the Committee on Internal Improvement, submitted the following report:

The Committee on Internal Improvement have had under consideration, A bill, No 205, from the Senate, to incorporate the Anderson turnpike company, and have instructed me to return said bill without amendment and to recommend its rejection.

Because said road runs between the Nashville and Murfreesboro' and Nashville and Nolensville turnpike roads to a distance of five or six miles, commencing on the former and being not more than two miles from either road at the most distant point; and because the seventh section of the act of January 4th, 1830 chartering the Nashville and Murfreesboro' turnpike company, says, "that it shall not be lawful to open or establish any other road so near as to prejudice the interest of the said Nashville and Murfreesboro' turnpike company."

The committee have also had under consideration, petition No. 108, praying the charter of the Antioch turnpike company, and also petition No. 109, protesting against said road, and asked to be discharged from the further consideration thereof.

JNO. W. RICHARDSON, Chairman.

January 25, 1844

Said bill was then read a third time; and question being taken, shall the bill pass? it was determined in the negative, yeas 23, nays 7.

Those who voted in the affirmative are,

messrs. Anderson, Avery, Biedsoe, Bobo, Bone, Brooks, Croas of Madison, Cradup, Duggan, Edwards, Hamilton, Jourdan, Kinney, Lenoir, Morris, Nave, Rawlins, Richardson, Roach, Tice, Turner, Wheeler, and Williams.

Those who voted in the negative are,

messrs. Alexander, Black, Boddie, Bond, Burges, Carson, Cheatham, Cherry, Cleveland, Coggin, Cross or Sullivan, Crouch, Deavenport, Hubank, Parquarson, Fisher, Garner, Goodall, Gordon, Goode, Hadden, Hord, Houston, Huddleston, Hughes, Humphreys, Lauderdale, McCallis, Marr, Maury, Miller of Harlemau, Miller of Marshall, Milligan, Moore, Moorman, Morrow, Polk, Sherrill, Smart, Trimble, Trott, Torney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wiley.

Said bill was rejected.

The question was then taken on discharging the committee from the further consideration of the petitions referred to them; which motion was agreed to by the House, and the committee discharged.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's amendments to "A bill from the House No. 810, to authorise and empower the county trustee of the county of Bedford, to collect all arrears of school funds remaining in the hands of any former school commissioners of said county," and for other purposes.

Mr. Walker of Hickman offered the following proviso to said Senate's amendment: "Provided, that the authority given by this section shall not be construed so as to authorise the division of any portion of the general common school fund;" which amendment was adopted.

The amendment of the Senate, as amended, was then concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Parquarson, from the select committee, to which had been referred "A bill from the Senate, No. 157, to tax goods sold at auction, reported that the committee had had the same under consideration, and had instructed him to report said bill with an amendment, and with said amendment to recommend the passage thereof; which amendment of the committee is as follows: strike out of the first and sections "a private sale."

Mr. Goode moved to amend said bill by adding among the exceptions in the first sections "sales under deeds of trust mortgages;" which was adopted.

Mr. Williams moved to amend the 1st section of said bill with the

following proviso, that all laws taxing auctioneers, other than provided in this act be, and they are hereby repealed.

Mr. Speaker Barringer, (Mr. Farquharson in the chair,) moved that the amendment in lieu of whole bill, from the enacting clause, which provides that all auctioneers shall pay a license of \$30, and one per cent. on all sales on goods, wares, and merchandise.

Pending the discussion on said amendment, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendment offered by Mr. Speaker Barringer, pending when the House adjourned this morning.

Mr. Polk moved the previous question, which did not receive a second.

Mr. Polk moved to amend the amendment, by adding after the word "auctioneers" wherever it occurs, the words "and wholesale merchants."

Mr. Avery moved that said bill and amendments be indefinitely postponed, and the question being taken on agreeing to said motion, it was determined in the negative; yeas 30, nays 41.

The yeas and nays No. 462, being called for by Mr. Avery, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Burrus, Cheatham, Cherry, Cross of Madison, Eubank, Fisher, Goodall, Goode, Gordon, Jourdan, Lauderdale, Marr, Maury, Miller of Marshall, Moorman, Polk, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Bond, Bone, Brooks, Carson, Cleveland, Goggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Farquharson, Garner, Glenn, Hamilton, Hodsdon, Hoid, Houston, Hughes, Humphreys, Kinney, Lenoir, McGinnis, Miller of Harleman, Milligan, Moores, Morris, Morrow, Nave, Richardson, Roach, Rodges, Scott, Turney, Wann, Williams, and Mr. Speaker Barringer.

So the House refused to indefinitely postpone said bill and amendment.

The question was taken on the amendment of Mr. Polk, to the amendment offered by Mr. Speaker Barringer, and was determined in the negative; yeas 28, nays 46.

The yeas and nays, No. 463, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bobo, Brooks, Burrus, Carson, Cherry, Cleveland, Goggin, Cross of Madison, Crouch, Deavenport, Edwards, Eubank, Garner, Goodall, Gordon, Lauderdale, Marr, Miller of Marshall, Moorman, Polk, Scott, Trimble, Turner, Turney, Walker of Hickman, and Walker of Williamson.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bledsoe, Boddie, Bond, Bone, Cheatham, Cross of Sullivan, Crudup, Duggan, Farquharson, Fisher, Glenn, Goode, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Tyler, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said amendment was rejected.

Mr. Boddie offered the following proviso to said amendment offered by Mr. Speaker Barringer: *Provided*, that no tax shall be paid under the provisions of this act on the sale of goods at auction, where a license has been previously paid to sell the same goods by retail.

And the question being taken on said amendment, it was determined in the affirmative, yeas 40, nays 30.

The ayes and nays, No. 464, being called for by Mr. Boddie, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Bone, Cheatham, Cross of Sullivan, Crouch, Crudup, Deavenport, Eubank, Fisher, Gordon, Hamilton, Hodsden, Houston, Hughes, Jourdan, Kinney, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Moorman, Polk, Scott, Sherrill, Smart, Turner, Turney, Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bond, Brooks, Burrus, Carson, Cherry, Cleveland, Coggin, Cross of Madison, Duggan, Farquharson, Garner, Goodall, Goode, Hord, Humphreys, Lenoir, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson,

So said amendment was adopted.

Mr. Barringer moved a reconsideration of the vote of the House adopting said amendment.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 44, nays 32.

The ayes and noes, No. 465, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Coggin, Cross of Madison, Crudup, Duggan, Farquharson, Garner, Glenn, Goodall, Goode, Hamilton, Hord, Houston, Hughes, Humphreys, Kinney, Lenoir, Maury, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Boddie, Cherry, Cleveland, Cross of Sullivan, Deavenport, Edwards, Eubank, Fisher, Gordon, Hodsden, Jourdan, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Moorman, Polk, Scott, Smart, Turner,

ner, turney, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So the house agreed to reconsider said vote.

Mr. Avery then moved the previous question; which was not sustained by the House.

And the question was again taken on the adoption of the amendment offered by Mr. Boddie, and determined in the negative, yeas 28, nays 40.

The ayes and noes, No. 466, being called for by Mr. Polk, and ordered by the house,

Those who voted in the affirmative are,

Messrs Alexander, Avery, Bobo, Boddie, Burrus, Cherry, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Gordon, Hodsden, McGinnis, Marr, Miller of Hardenman, Miller of Marshall, Moorman, Polk, Scott, Smart, Turner, Walker of Hickman, Walker of Williamson, Wheeler, Wann, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Bond, Bone, Brooks, Carson, Cheatham, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Duggan, Garner, Glenn, Goodall, Goode, Hamilton, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Milligan, Morris, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Williams, and Mr. Speaker Barringer.

So said amendment was adopted.

The question was then taken on the amendment offered by Mr. Speaker Barringer, in lieu of the whole bill, from the enacting clause, and was determined in the affirmative, yeas 48, nays 22.

The ayes and noes, No. 467, being called for by Mr. Avery, and ordered by the house,

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bond, Bone, Brooks, Burrus, Cheatham, Coggin, Cross of Madison, Cross of Sullivan, Crudup, Duggan, Edwards, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Miller of Hardenman, Milligan, Moore, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Trice, turney, tyler, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Bobo, Boddie, Carson, Cherry, Cleaveland, Crouch, Deavenport, Eubank, Huddleston, Marr, Miller of Marshall, Moorman, Polk, Sherrill, Smart, Trimble, turner, Walker of Hickman, Walker of Williamson, and Wyley.

So said amendment was adopted.

Said bill, as amended, was then read a third time.

Mr. Speaker Barringer then moved the previous question; which being seconded by a majority of the members present,

And the question being taken, shall the main question be now put? and being determined in the affirmative,

The main question was then put, shall the bill pass (and was determined in the affirmative) yeas 46, nays 24.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Farquharson, Garner, Goodall, Goode, Hadsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Milligan, Moores, Morris, Morrow, Nave, Rawlins, Richardson, Roach, Scott, Sherrill, Trice, Turkey, Tyler, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Burrus, Cherry, Deavenport, Eubank, Glenn, Gordon, Hamilton, Huddleston, Lauderdale, McGinnis, Marr, Miller of Marshall, Polk, Rodgers, Smart, Trimble, Turner, Walker of Hickman, Walker of Williamson, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The Senate took up A bill, No. 320, for the relief of the Stockholders of turnpike roads in this State.

Said bill was then read a third time.

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 29, nays 47. Those who voted in the affirmative

Messrs. Alexander, Avery, Brooks, Cherry, Cross of Madison, Edwards, Farquharson, Garner, Hord, Houston, Hughes, Lauderdale, Marr, Miller of Marshall, Moores, Rodgers, Trice, Turner, and Walker of Hickman.

Those who voted in the negative are,

Messrs. Black, Bobo, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cleveland, Coggin, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Eubank, Fisher, Glenn, Goodall, Goode, Hamilton, Hadsden, Huddleston, Jourdan, Kinney, Lenoir, McGinnis, Milligan, Moore, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Sherrill, Smart, Trimble, Turkey, Tyler, Walker of Williamson, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

On motion of Mr. Goode, the vote of the House rejecting said bill, was reconsidered.

Mr. Goode moved to amend said bill by striking out all after the word "repair" and insert the following: "if he she or they will relinquish and convey their right and title to such road or bridge to the county or counties in which the same is situated; which amendment was adopted.

The house took up a bill, No. 324, to regulate marriages, to define the duties of county court clerks in issuing marriage license, and for other purposes.

Mr. Goodall offered the following amendment:

Be it enacted, That each and every single lady shall marry when she pleases, have her choice, and the gentleman of whom she makes choice, shall be compelled to take her for better or worse; which amendment was adopted.

Mr. Roach moved the previous question, which did not receive a second.

Mr. Hord offered an amendment in lieu of the whole bill from the 12 clause, and which is as follows:

"That if any clerk shall issue a marriage license to any person who is under the age of twenty-one years he shall be guilty of misdemeanor and on conviction shall be fined not less than \$250, provided nothing in this act shall be so construed as to be in violation of this act unless the parent or guardian has first given notice to the clerk in writing not to issue such license."

On motion of Mr. Richardson,

Said bill and amendment was laid on the table.

The House took up a bill, No. 325, to apply two thousand dollars to the improvement of Little Tennessee and Tellico rivers, out of the five thousand dollars heretofore appropriated for the improvement of the Hiwassee river.

Mr. Hodsdon offered the following proviso to said bill:

"Provided the funds for the improvement of the Hiwassee river have not already been contracted to be expended."

Mr. Gordon moved that said bill and amendment be laid on the table, and the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 34, nays 31.

The yeas and nays, No. 472, being called for by Mr. Hodsdon, and ordered by the House, those who voted in the affirmative are:

Messrs. Black, Boddie, Bond, Burrus, Carson, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hughes, Kinney, Lauderdale, McGinnis, Marr, Morris, Morrow, Nave, Polk, Smart, Trice, Trott, Turner, Walker of Hickman, Walker of Williamson, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Bone, Brooks, Cheatham, Coggin, Crouch, Crudup, Duggan, Farquharson, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Lenoir, Moores, Moorman, Rawlings, Richardson, Scott, Sherrill, Tyler, Wheeler, Williams, and Wyley.

So said bill and amendment was laid on the table.

On motion of Mr. Burrus,

The house took up a bill No. 53, to provide for the dismissal of suits in certain cases.

On motion of Mr. Speaker Barringer,

Said bill was amended by inserting after the words "payment of the" in the 8th line "the debt with six per cent interest."

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 64, nays 4; those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Cleaveland, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Rouch, Rodgers, Scott, Sherrill, Smart, Trice,

Trott, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler. Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,
Messrs. Bobo, Glenn, Hughes, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 223, to establish a chancery court at Manchester, in the county of Coffee and for other purposes.

Said bill was then read a third time and passed, and was ordered to be engrossed and transmitted to the Senate.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

The House took up the following bills from the Senate:

A bill, No. 162, to submit to a vote of the people an amendment to the constitution.

A bill, No. 201, to provide for the collection of dividends of the State, on her stock on Internal Improvement and for other purposes.

A bill, No. 210, to authorise the Governor to surrender the interest of the State in the Tennessee rail road, and Lagrange and Memphis rail road, together with the Branch from Somerville to Moscow.

A bill, No. 214, to equalise the labors of Judges in the 4th, 5th, and 13th circuits.

A bill, No. 215, to incorporate the Scott Picnic Dry-Dock Company.

A bill, No. 217, to authorise Thomas Mabry of Warren county to open a turnpike road.

A bill, No. 221, for the benefit of James W. Netherland, James Berry, and Alexander H. Keith, commissioners appointed by the Governor to perform certain duties under the act of assembly passed January 25th, 1840.

A bill, No. 224, supplemental to an act entitled an act for the relief of certain purchasers and assignors of purchasers of reservations in the Hiwassee district, passed on the 29th January, 1840, chap. 139.

A bill, No. 225, to incorporate the Franklin College.

A bill, No. 226, to charter the Stone's river turnpike company.

A bill, No. 228, to amend the laws in force on the subject of Divorces; and

A bill, No. 239, to amend the commercial laws of this State in relation to the trial and punishment of accessories.

Which bills were severally read a second time and passed.

The House took up a bill from the Senate, No. 227, to build a bridge across Harroeth river and for other purposes.

The amendments offered by Mr. Trimble, being under consideration; which amendments were severally adopted.

Mr. Cheatham offered an amendment constituting two additional sections which provide that A. M. M'Clain, J. Thompson and Francis A. Rice, be authorised to erect a Toll Bridge across red river, in the county of Robertson at or near Thompson's Ferry, and near M'Lean's mills, appointing commissioners, &c. which amendment was adopted.

Said bill as amended was then read a second time and passed.

The House took up a bill, No. 152, to tax race tracks and race horses.

Mr. Wheeler moved to strike out "*horse, mare and gelding*" wherever it occurs in the second section, which motion was rejected.

Said bill was then read a second time, and the question being taken, "shall the bill pass?" it was determined in the negative, yeas 20, nays 47.

The ayes and nays No. 472, being called for by Mr Boddie, and ordered by the House, those who voted in the affirmative are,

Messrs. Bobo, Bond, Carson, Cleaveland, Cross of Sullivan, Crouch, Duggan, Farquharson, Kinney, Lenoir, Moores, Moorman, Morrow, Richardson, Roach, Sherrill, Trice, Walker of Williamson, and Wann,

Those who voted in the negative are,
Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bone, Brooks, Burrus, Cheatham, Cherry, Coggin, Cross of Madison, Deavenport, Edwards, Eubank, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Lauderdale, M'Ginnis, Maury, Miller of Marshall, Milligan, Nave, Polk, Rawlings, Rodgers, Scott, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wheeler, Williams, and Wyley.

Said bill was rejected.

Ordered that the Clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 263, to reduce the capital stock of the Bank of Tennessee, and for other purposes.

The motion of Mr. Cross of Sullivan, to reconsider the vote of the House rejecting said bill on the 19th this instant, being under consideration.

And the question being taken, on agreeing to said motion, to reconsider said vote, it was determined in the negative, yeas 32, nays 35.

The ayes and noes, No. 473, being called for by Mr. Richardson and ordered by the House,

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bledsoe, Bone, Carson, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Fisher, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Milligan, Morrow, Nave, Rawlings, Scott, Sherrill, Walker of Williamson, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Black, Bobo, Boddie, Bond, Brooks, Burrus, Cheatham, Cherry, Deavenport, Eubank, Farquharson, Goodall, Goode, Gordon, Huddleston, Hamilton, M'Ginnis, Maury, Miller of Marshall, Moores, Moorman, Polk, Richardson, Roach, Rodgers, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wyley, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

Mr. Maury from the Committee on Enrolled Bills, reported that the committee had examined the following bills:—A bill, No. 253, to alter the county line between the counties of Giles and Marshall—A bill, No. 315, to amend the laws in relation to Common Schools—A bill, 318, more effectually to provide against the defalcations of public officers of the State, and—A bill No. 323, to establish a Chancery Court at Manchester, in the county of Coffee, and for other purposes.

Ordered that the clerk transmit the same to the Senate.

Mr. Goode, from the same committee, reported as truly enrolled the following House bills, an act to amend the fourth section of an act passed October 29th, 1842, to apportion the representation in the General Assembly of the State of Tennessee; an act to prevent the county court of Perry county, from laying a general tax for the purpose of building a Court House and Jail in said county; and a resolution No. 258, amendatory of the Constitution of Tennessee.

The Speaker of the House thereupon signed said enrolled bills and resolution.

Ordered that the same be transmitted to the Senate for the signature of the Speaker thereof.

The House took up a bill, No. 320, for the relief of stockholders of the turnpike roads in this

On motion said bill was on the table.

The house took up a bill, No. 63, from the Senate, to refund to White county the interest upon common school fund improperly paid over under the act of 1837.

So said bill was then read a third time, and the question being taken on agreeing "shall the bill pass," it was determined in the affirmative, yeas 36, nays 24.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Brooks, Burrus, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Garner, Goode, Gordon, Hodsdon, Hord, Houston, Huddleston, Humphreys, Kinney, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Moorhead, Nave, Rawlings, Richardson, Rodgers, Smith, Trice, Turner, Walker of Hickman, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Boddie, Bond, Bone, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Daggan, Edwards, Hammon, Hughes, Linderfeld, Maury, Morrow, Roush, Scott, Trimble, Turner, Tyler, Walker of Williamson, Wann, and Wheeler.

So said bill passed on its third and last reading in this house.

Ordered that the clerk acquaint the Senate therewith.

The house took up a message from the Senate proposing a committee of conference, to take into consideration the disagreement of the two houses on the amendments to "A bill from the House, No. 218, to authorise the payment of money to the Louisville, Charleston, and Cincinnati Railroad, and to cancel the State bonds issued to said company;" in which proposition the house concur, and have appointed Messrs. Miller of Henderson, Tyler and Williams, to be of said committee on the part of the house.

Ordered that the clerk acquaint the Senate therewith.

The house took up the concurrence of the Senate in the report of the two Houses on the amendments of the House to Senate's amendment to "A bill, No. 61, to establish a chancery court at Harrison, in the county of Hamilton, and at Smithville, in the county of De Kalb.

And upon further consideration the House recede from their said amendments.

Ordered that the clerk acquaint the Senate therewith.

The house took up the concurrence of the Senate to a preamble and resolution, No. 114, in relation to providing safeguards for the domestic institutions of the south and south west, with sundry amendments thereto.

Mr. Walker of Williamson, moved a concurrence in all of said Senate's amendment; which motion was unanimously agreed to by the House.

Ordered that the clerk acquaint the Senate therewith.

The house took up a message from the Senate concurring in the 1st amendment of the house, as amended, and with the third amendment without amendment to and concurring in the second amendment to "A bill from the Senate, No 68, to change the times of holding the circuit and chancery courts therein named." The House nonconcur in the amendments of the Senate to the first amendment of the House, and recede from their second amendment.

Ordered that the clerk acquaint the Senate therewith.

The house took up the concurrence of the Senate to the amendments of the House to "A bill from the Senate, No. 24, to exempt from execution certain articles of property therein specified;" and upon further consideration insist upon their said amendment.

Ordered that the clerk acquaint the Senate therewith.

The house took up the amendments of the Senate, to a bill from the House, No. 283, to authorise the officers of the Bank of Tennessee, to draw upon the Treasurer of the State in case of a deficiency of means in the Bank to meet its current liabilities, and amend the revenue laws. And the house concur in the first and second and third amendments of the Senate, and also in the 4th amendment of the Senate, with an amendment striking out part of the second section thereof.

Ordered that the clerk acquaint the Senate therewith.

The house took up the concurrence of the Senate, to the amendments of the House with sundry amendments to "A bill from the Senate, No. 52, to repeal an act passed in the 25th Jan. 1840," entitled "An act to increase the tax on brokers;" in which amendments of the Senate the house concur with an amendment.

Ordered that the clerk acquaint the Senate therewith.

Mr. Dugan, who had withdrawn for amendment "A bill from the Senate, No. 55, to amend an act," entitled "An act to appropriate moneys for the improvement of Rivers in East Tennessee," returned the same without amendment.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill, No. 62, to repeal the act of 1842, chapter 3 entitled an act to abolish imprisonment for debt, and for other purposes.

Mr. Farquharson moved that said bill be made the special order of the day for to-morrow; which motion was agreed to by the house.

The house took up a bill from the Senate, No. 133, to change the name of Jackson Perry Bocock and John Russell Brown; said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill from the Senate, No. 155, for the relief of delinquent officers in certain cases.

Mr. Houston offered an amendment constituting two additional sections, which provide that further time of one year be allowed to former sheriffs (elected since the first January, 1817) to collect arrearages of taxes due and uncollected, &c.; which amendment was rejected.

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative; yeas 39, nays 11.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bledsoe, Boddie, Bond, Burr, Cherry, Dugan, Edwards, Eubank, Farquharson, Fisher, Glen, Goode, Gordon, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Moores, Morrow, Nave, Rawlings, Rodgers, Scott, Trice, Turney, of Hickman, Wann, Wheeler, Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Carson, Cheatham, Cleveland, Cross of Madison, Cross of Sullivan, Eubank, Hamilton, Hodsden, Moorman, Richardson, Trimble, Tyler, Williams, and Wyley.

So said bill passed on its third and last reading in this House, and was ordered to be engrossed and transmitted to the Senate.

The House took up a bill, No. 50, to provide for the appointment of coroners, and to amend and explain the acts of 1779, chapter 5, section 2d and 3d, and the act of 1807, chapter 106, section 13.

On motion, said bill was laid on the table.

Mr. Hamilton asked and obtained leave to withdraw for amendment a bill from the Senate, No. 226, to charter the Stone's river turnpike company.

The House then adjourned.

FRIDAY JANUARY 26th, 1844.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered a resolution from the House, No. 192, directory to the job printers of this General Assembly, in relation to the printing of the captions of the acts and resolutions of the present session of the Legislature, and have concurred in said resolution with an amendment, and the concurrence of the House in said amendment is requested, and have concurred in the report of the chairman of the committee to investigate the different insurance offices in this State; which is herewith transmitted, and the concurrence of the House in said report is requested.

The Speaker of the Senate has signed the following enrolled bill of the Senate, entitled an act to authorise the county courts of Henderson and Perry counties, to make such disposition of the Internal Improvement fund belonging to said counties as to them shall seem proper; which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

Mr. Gordon from the Committee on New Counties and County Lines to which had been referred a petition, No. 192, from sundry citizens, praying for a new county to be formed of portions of Williamson, Maury, Marshall, Bedford, and Rutherford counties, reported that the committee had had the same under consideration and had instructed him to report that the prayer of the petitioners is unreasonable and ought not to be granted, and asked to be discharged from the further consideration thereof; which report was concurred in and the committee were discharged.

Mr. Goode moved a reconsideration of the vote of the House taken on yesterday, on the passage of a bill from the Senate, No. 189, to tax goods sold at auction.

Mr. Farquharson moved the previous question, which being seconded by a majority of all the members present, the main question was then taken, shall the House reconsider the vote of the House on the pas-

sage of said bill, and was determined in the negative, yeas 19, nays 48.

The yeas and nays No. 476, being called for by Mr. Deavenport, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Avery, Boddie, Burrus, Cherry, Deavenport, Eubank, Glenn, Goode, Lauderdale, Miller of Marshall, Moorman, Polk, Rodgers, Smart, Trimble, Turner, Walker of Hickman, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Hamilton, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Scott, Sherrill, Trice, Turney, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

On motion of Mr. Brooks,

The House took up the motion made by himself, to reconsider said vote of the House, rejecting on the 20th inst. a bill from the Senate, No. 234, to provide for the election of a clerk of the criminal court of Davidson county, and the question being taken on agreeing to said motion, it was determined in the affirmative; yeas 42, nays 30.

The yeas and nays, No. 477, being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, Crouch, Crudup, Duggan, Fisher, Glenn, Goodall, Goode, Hamilton, Hamilton, Hodsdon, Jourdan, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Milligan, Moores, Moorman, Morris, Morrow, Richardson, Rodgers, Scott, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bobo, Burrus, Cross of Madison, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Garner, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Miller of Marshall, Nave, Polk, Rawlings, Roach, Sherrill, Smart, Turner, Turney, Walker of Hickman, and Wann.

So said vote was reconsidered.

Mr. Farquharson moved to amend said bill by an additional section, which is as follows:

Be it enacted, That an act passed on the 27th day of January, 1842, entitled an act to establish a criminal court in the county of Davidson, be, and the same is hereby repealed.

Mr. Bond moved to amend said amendment by adding "and the criminal court at Memphis."

Mr. Alexander moved that said bill and amendment be laid on the table, and the question being taken on agreeing to said motion, it was determined in the negative; yeas 23, nays 43.

The yeas and nays, No. 478, being called for by Mr. Black and ordered by the House, those who voted in the affirmative are,

M srs. Alexander, Anderson, Avery, Black, Boddie, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Eubank, Fairquharson, Fisher, Gordon, Hord, Houston, Humphreys, Kinney, Lauderdale, McGinnis, Milligan, Roach, Scott, Smart, Turner, Walker of Hickman, and Wann.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Crouch, Crudup, Duggan, Edwards, Garner, Glenn, Goodall, Goode, Hamrton, Huddleston, Jourdan, Lenoir, Marr, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Trice, Trimble, Trott, Tyler, Walker of Williamson, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

So the House refused to lay said bill and amendment on the table.

Mr. Edwards moved the indefinite postponement of said bill and amendment.

Mr. Maury moved the previous question; which being seconded by a majority of all the members present.

And the question being taken, shall the main question be now put? which being determined in the affirmative, yeas 41, nays 24.

The yeas and nays, No. 479, being called for by Mr. Polk, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cleaveland, Crouch, Crudup, Duggan, Fisher, Goode, Hamilton, Huddleston, Jourdan, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Carson, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Edwards, Eubank, Fairquharson, Garner, Glenn, Goodall, Hord, Houston, Huddleston, Hughes, Humphreys, Kinney, Miller of Marshall, Polk, Trott, Walker of Hickman, and Wyley.

So the House agreed that the main question should be now put.

The main question was then taken, shall the bill pass? it was determined in the affirmative, yeas 41, nays 25.

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Crudup, Duggan, Fisher, Glenn, Goode, Hamilton, Huddleston, Houston, Jourdan, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Scott, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Black, Burrus, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Eubank, Fairquharson, Garner, Goodall, Gordon, Hord, Huddleston, Hughes, Humphreys, Kinney, Miller

of Marshall, Milligan, Polk, Sherrill, Trott, Walker of Hickman, and Wyley.

So said bill passed on its first reading in this House.

Mr. Rodgers, from the Joint Select Committee on Insurance Companies, appointed to examine and report whether or not any of the Insurance Companies of the State have been, or are now engaged in exercising any other than legitimate business of insuring lives and property, have had the same under consideration, and have instructed me to make the following report to the House of Representatives, to wit: they have proceeded to the discharge of the duties imposed on them by said resolution, and have caused to come before them sundry persons who have deposed before the committee, and they have also the depositions of sundry other gentlemen of the city of Nashville, and find the proof abundant upon almost every point set forth in the resolution. The proof alluded to has been in relation to the transactions of the Merchants' Insurance and Trust Company of Nashville; the committee find the above named company has been now carrying on the following business, to wit: The said company has been in the habit of receiving money on deposit to a very large amount, and has been in the habit of allowing 5 per cent. interest per annum, for the same: The said company has drawn from the different banks, since the resumption of specie payments by said banks, more than one hundred and fifty thousand dollars, in gold and silver; all of which the committee believe, from evidence, was shipped to distant points. The said company has been dealing largely in bills of exchange, these bills are drawn on agents at distant points; say at New Orleans, Philadelphia, and New York: said bills are drawn on agents at different points, some are made payable at sight, others in time. The committee also found that said company has been dealing as broker; to a very large amount, in the buying and selling of gold and silver, and notes of the banks of other States, and more especially of the notes of the bank of the State of Alabama, and that at a very great discount. In relation to agencies in other States, the committee have no evidence that the said company have agents to enable them to carry on their brokerage business. The committee are of opinion that said company in increasing the above named branches of business, is acting in direct violation of its chartered rights; that in increasing these privileges it is acting contrary to the interest of the State, and the meaning of those that gave it existence. The committee are also of opinion that to suffer said company to continue in the exercise of such privileges would have a great tendency to destroy the banks of this State, as they are continually in the habit of selling bills of exchange, and thereby depriving the banks of the profits arising from this branch of business. The committee consider that it is unjust, a large bonus for the privilege of banking, at the same time suffer a company created for quite a different purpose, paying no bonus to the State, in comparison, to deprive them of their legitimate business.

JOHN RODGERS,

Chairman, on part of the House of Representatives.

Which report was read and laid on the table.

Mr. Trott submitted the following resolution, No. 482:

Resolved by the General Assembly of the State of Tennessee: That the Legislature will adjourn sine die on Monday, the 29th inst.

Mr. Trott moved a suspension of the 59th rule of the House, requiring resolutions to lie one day on the table; and the question being taken on agreeing to said motion, it was determined in the negative, yeas 43, nays 27.

The yeas and nays, No. 481, being called for Mr. Trott, and ordered by the House, those who voted in the affirmative are,

Messrs Bledsoe, Boddie, Bond, Carson, Cherry, Cleveland, Cross of Sullivan, Crouch, Deavenport, Farquharson, Fisher, Garner, Glenn, Coolball, Goode, Gordon, Hamilton, Hdsden, Herl, Houston, Fubuck, Hughes, Jourdan, Kinney, Lauderdale, McGinnis, Man, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moore, Nave, Polk, Scott, Smart, Trice, Trott, Walker of Hickman, Walker of Wilamson, Wann, Wheeler, Williams, and Wyley.

Those who voted in the negative are,

Messrs Alexander, Anderson, Avery, Black, Bobo, Bone, Brooks, Burrus, Cheatham, Cross of Madison, Crudup, Dugan, Edwards, Fubuck, Humphreys, Lenoir, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trimble, Tyler, and Mr. Speaker Bainger.

So the rule was not suspended, it requiring a vote of two thirds of the members present to suspend the rule.

The House took up a bill from the Senate, No. 162; to submit a vote of the people an amendment to the constitution; which bills were read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

Mr. Bond, from the Committee on Enrolments, reported as truly enrolled, An act to establish a chancery court at Harrison, in the county of Hamilton; at Smithville, in the county of DeKalb, at Springfield, in the county of Robertson, and at Fayetteville in the county of Macon, the Speaker of the House thereupon signed said enrolled bill.

Ordered that the clerk transmit the same to Senate for the signature the Speaker thereof.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Speaker of the Senate has signed the following enrolled bills from the House: An act to amend the fourth section of an act passed October 29th, 1842, to apportion the representation in the General Assembly of the State of Tennessee

An act to prevent the county court of Perry county from laying a general tax for the purpose of building a court house and jail in said county—An act to authorise the removal of the seat of justice in Jackson county—An amendment of the constitution of the State of Tennessee proposed by the General Assembly—An act to establish a chancery court at Harrison, in Hamilton county, at Smithville, in the county of DeKalb, at Springfield, in the county of Robertson, and at Lafayette in Macon county; which are herewith transmitted.

Ordered that the clerk deposit the same in the office of Secretary of State.

The House took up a bill, No. 6, to repeal the act of 1842, chap. 3.

entitled an act to abolish imprisonment for debt and for other purposes; which bill and amendments were made the special order of the day for this day.

The amendments offered by Mr. Alexander and Mr. Goode being under consideration, which amendment offered in lieu of the 2d section is as follows:

Sec. 2. Be it enacted, That hereafter the plaintiff or complainant, his agent or attorney, may obtain a writ of *capias ad satisfaciendum* by making affidavit as required by the provisions of the 5th section of the act of 1831, chap. 40, and also to the best of his or her information, knowledge, and belief, the amount of property that the defendant is about to remove or has removed beyond the jurisdiction of the court or justice; or fraudulently conveyed to others or conceals, to avoid the payment of his debts, or the amount of money that he has which he withholds from the payment of his debts, and the satisfaction of the justice of the truth of the facts stated in said affidavit; and it shall be the duty of the officer executing said writ if it shall be desired by the defendant immediately to carry him before the justice who issued the writ, before the clerk of the court from which such writ is issued and the defendant then discharge himself by declaring to said officer the amount of said property or money or making affidavit in writing before said clerk or justice that the plaintiff or complainant, his agent or attorney, as the case may be, has sworn falsely or was mistaken, unless the plaintiff or complainant shall establish the truth of his affidavit by disinterested evidence, which the defendant shall be at liberty to rebut; if the defendant shall not be discharged he shall be held in custody, or the bail as heretofore, provided that in all cases in which the defendant shall be discharged under the provisions of this act, it shall be the duty of the justice or court to render judgment against the plaintiff for the costs of the proceedings and issue an execution therefor; and provided further, that either party may appeal from the decision of such justice or clerk.

Mr. Speaker Barringer, Mr. Walker of Williamson in the chair, moved to amend said amendment by striking out after the words "*satisfaciendum*," in the 4th line all to the words "and it shall," in the 7th line, and in lieu thereof the following: "by making oath that of his own certain knowledge or by the oath of any other credible disinterested witness that the defendant has property and fraudulently conceals the same or has fraudulently conveyed the same to avoid the payment of his debts or has money and refuses to apply the same to the payment of plaintiff's claim, which oath or affidavit shall be in writing signed by the party to be filed with the case by the clerk or justice before whom the same is made.

Pending the discussion on said amendments the house adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, and resumed the consideration of the amendment pending when the House adjourned this morning.

Mr. Trott moved the indefinite postponement of said bill and amendments.

Mr. Trimble moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put? which being determined in the affirmative, the main question was then put, shall the bill pass? and was determined in the negative, yeas 33, nays 36.

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Bobo, Bone, Carson, Cheatham, Cleaveland, Crudup, Cross of Madison, Duggan, Farquharson, Fisher, Garner, Goode, Gordon, Haddsen, Houston, Lenoir, McGinnis, Maury, Miller of Marshall, Milligan, Moorman, Polk, Richardson, Scott, Trice, Trimble, Turney, Tyler, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Bond, Brooks, Burrus, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Genn, Gedall, Hamilton, Hord, Huddleston, Hughes, Humphreys, Jordan, Kinney, Lauderdale, Marr, Morris, Morrow, Nave, Rawlings, Rodgers, Sherrill, Trott, Turner, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Mr. Speaker Barringer.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Edwards moved a reconsideration of the vote of the House rejecting said bill.

Mr. Anderson moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, "shall the main question be put?" which being determined in the affirmative.

The main question was then put, "will the House reconsider said vote?" and was determined in the negative, yeas 34, nays 39.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bond, Carson, Cheatham, Cross of Madison, Duggan, Farquharson, Fisher, Garner, Goode, Gordon, Hamilton, Haddsen, Hord, Houston, Jordan, McGinnis, Maury, Miller of Marshall, Milligan, Moorman, Morris, Polk, Richardson, Scott, Trice, Turney, Tyler, Walker of Williamson, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bledsoe, Bobo, Bledie, Bone, Brooks, Burrus, Cherry, Cleaveland, Cross of Sullivan, Crouch, Crudup, Deavenport, Eubank, Genn, Huddleston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Morris, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Smart, Trimble, Trott, Turner, Walker of Hickman, Wann, Wheeler, and Williams.

So the House refused to reconsider said vote.

The House took up, A bill from the Senate, No. 67, to declare certain professions and civil offices to be privileges, and to impose a tax thereon; which was read a third time.

Mr. Trout offered the following amendment in lieu of the whole bill, from the enacting clause: that Judges of the circuit courts and Chancellors elected at the present session of the General Assembly as well

as those hereafter to be elected, shall receive as a compensation thirteen hundred dollars per annum, instead of fifteen hundred dollars as heretofore.

Mr. Maury called for the previous question, which being seconded by a majority of all the members present.

The question was then taken, "shall the main question be now put?" which being determined in the affirmative.

The main question was then put, "shall the bill pass?" and was determined in the negative, yeas 26, nays 40.

Those who voted in the affirmative are,

Messrs. Alderson, Avery, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cleveland, Cross of Madison, Crudup, Duggan, Eubank, Fisher, Hord, Huddleston, Humphreys, Jourdan, Morris, Polk, Rawlings, Trice, Turner, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Black, Boddie, Burrus, Cheatham, Cross of Sullivan, Crouch, Deavenport, Edwards, Farquharson, Garner, Glenn, Goodall, Gordon, Hamilton, Houston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Mooreman, Nave, Roach, Rodgers, Sherrill, Smart, Trimble, Trutt, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No. 58, to remove obstructions from public roads; which was read a third time.

Mr. Gordon moved to amend said bill by striking out the first section of the bill.

Which amendment was rejected.

The question was then taken, "shall the bill pass?" it was determined in the affirmative, yeas 44, nays 23.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cleveland, Crudup, Deavenport, Duggan, Farquharson, Fisher, Garner, Goodall, Goode, Hodsden, Humphreys, Jourdan, Lenoir, McGinnis, Marr, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Turney, Tyler, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsee, Burrus, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Eubank, Glenn, Gordon, Hamilton, Hord, Houston, Huddleston, Hughes, Kinney, Maury, Miller of Marshall, Trimble, Turner, Walker of Hickman, Walker of Williamson, and Wann.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Black moved that the house take up from the table,

A bill from the Senate, No. 34, to reduce and fix the salaries of various public officers.

And the question being taken on agreeing to said motion it was determined in the affirmative, yeas 36, nays 22.

The ayes and noes, No. 486, being called for by Mr. Boddie and ordered by the House, Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Black, Boddie, Bond, Bone, Brooks, Carson, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, Goode, Hamilton, Houston, Huddleston, Lauderdale, Lenoir, Mart, Miller of Marshall, Milligan, Moores, Polk, Sherrill, Smart, Trout, Turner, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Cheatham, Cherry, Cleveland, Cross of Madison, Jourdan, Kinney, McGinnis, Maury, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

So the House agreed to said bill.

Mr. Nave moved the indefinite postponement of said bill, and called for the "previous question;" which being seconded by a majority of all the members present.

The question was then taken, shall the main question be now put? which being determined in the affirmative,

The main question was then taken on the indefinite postponement of the bill and amendments and was determined in the affirmative, yeas 35, nays 36.

The ayes and nays No. 437, being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Cheatham, Cherry, Cleveland, Cross of Madison, Eubank, Farquharson, Goodall, Gordon, Hodsden, Hord, Jourdan, Kinney, Maury, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Tyler, Walker of Williamson, and Wheeler.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Burrus, Carson, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Fisher, Garner, Goode, Hamilton, Hughes, Humphreys, Lenoir, McGinnis, Miller of Marshall, Morris, Polk, Trott, Turney, Walker of Hickman, Wann, Williams, Wyley, and Mr. Speaker Barringer.

So said bill was indefinitely postponed.

The House took up "A bill from the Senate, No. 77, to incorporate an association in Nashville, to be known by the style of the "Advocate's Library;" which was read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill from the Senate, No. 209, incorporating the Tennessee manufacturing company."

Mr. Williams moved to amend said bill by adding an additional sec. which provides for incorporating the East Tennessee manufacturing company; which amendment was adopted.

Said bill, as amended, was then read a third time and passed.

The caption was then amended.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill, No. 78, to provide certain in cases for the disposition of slaves acquitted of felony on the plea of insanity."

Said bill was then read a third time.

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 64, nays 11.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Roach, Sherrill, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Burrus, Deavenport, Goode, Hughes, Miller of Marshall, Richardson, Rodgers, Smart, Trice, Wann, and Wyley.

So said bill passed on its third and last reading in this house.

Ordered that the clerk acquaint the Senate therewith.

The house took up "A bill from the Senate, No. 79, to amend the act of 1845, chap. 2nd, in relation to illegitimate children."

Said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 62, nays 10.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Fisher, Garner, Goodall, Goode, Gordon, Humphreys, Kinney, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Sherrill, Smart, Trice, Trimble, Trott, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Cheatham, Eubank, Farquharson, Hamilton, Hodsden, Hord, Hughes, Lauderdale, Richardson, and Roach.

Said bill was then read a third time, and the question being taken, shall the bill pass? it was determined in the affirmative, yeas 49, nays 16.

Those who voted in the affirmative are,

Messrs. Black, Bobo, Boddie, Bond, Bone, Burrus, Cherry, Cleaveland, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, Goode, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, McGinnis, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Polk, Rawlings, Richardson, Rodgers, Sherrill, Smart, Trice, Trimble, Trott, Turner, Turney, Tyler, Walker of Hickman, Wann, Williams, and Wyley.

Those who voted in the negative are,

Messrs. Anderson, Avery, Bledsoe, Brooks, Carson, Cheatham, Cross of Madison, Duggan, Goodall, Hamilton, Lauderdale, Lenoir, Morrow, Roach, Wheeler, and Mr. Speaker Barringer.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Reach moved that a bill from the Senate, No. 211, to equalize the labors of the judges in the 4th, 5th, and 13th judicial circuits, be referred to a committee of six members, two from each of the three judicial circuits named in the above bill; which motion was agreed to by the House.

The Speaker thereupon announced to the House the appointment of Messrs. Burrus, Rodgers, Morris, Farquharson, and Sherrill to compose said committee.

The House took up a bill, No. 86; to aid in the establishment of an institution for the instruction of the deaf and dumb.

Said bill was then read.

Mr. Bledsoe offered an amendment in lieu of the whole bill from the enacting clause; which provides for the appropriation of two thousand dollars, one thousand to be appropriated to Middle Tennessee, five hundred to East Tennessee, and five hundred to West Tennessee, to be applied to the education of the blind.

Mr. Burrus moved to strike out of Senate's bill "Nashville" and insert "Murfreesboro;" which amendment was adopted.

NIGHT SESSION.

The House met pursuant to adjournment.

Mr. Edwards moved the previous question; which being seconded by a majority of all the members present.

The question was then taken, shall the main question be now put, and being determined in the affirmative.

The main question was then taken, shall the bill pass? and was determined in the negative, yeas 31, nays 31.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Burrus, Carson, Cross of Sullivan, French, Davidson, Edwards, Hamilton, Houston, Hord, Houston, Hughes, Humphreys, Lenoir, May, Miller, of Marshall, Milligan, Moorhead, Morris, Noxon, Richardson, Scott, Sherrill, Trice, Trimble, Tyler, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Bledsoe, Bledsoe, Bodde, Bond, Bone, Brooks, Cheatham, Cherry, Clay, Cross of Madison, Crotch, Dugan, Eubank, Farquharson, Gann, Gibson, Goodell, Good, Gordon, Kinney, Lauderdale, Moore, New, Pett, Reach, Smart, Turner, Turney, Walker of Hickman, Walker of Williamson, Ward, Wiley, and Mr. Speaker Berenger.

Said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Farquharson moved a reconsideration of the vote of the House rejecting said bill; which motion was agreed to by the House.

Mr. Farquharson moved a reconsideration of the vote of the House striking out "Nashville" and inserting "Murfreesboro."

The question was then taken on agreeing to said motion, and was determined in the affirmative; yeas 37, nays 32.

Messrs. Boddie, Brooks, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Glenn, Hodsden, Hord, Humphreys, Kinney, Lenoir, Maury, Miller of Hardeman, Milligan, Moore, Morris, Polk, Rodgers, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, and Walker of Williamson.

Those who voted in the negative are,
Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bond, Burrus, Carson, Cleveland, Crudup, Duggan, Edwards, Garner, Goodall, Goode, Gordon, Hamilton, Houston, Hughes, Lauderdale, McGinnis, Miller of Marshall, Moores, Morrow, Nave, Richardson Roach, Wann, Wheeler, and Williams.

So the House re-considered said vote

Mr. Burrus moved to strike out "*Nashville*" insert in lieu thereof "*Shelbyville*."

Mr. Roach moved a division of the question.

Mr. Lenoir moved the "previous question:" which being seconded by a majority of all the members present, which being determined in the affirmative, the question was then taken as all the main question be now put."

The main question was then put "shall the bill pass?" and was determined in the negative, yeas 31, nays 39.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Boddie, Carson, Cheatham, Cross of Sullivan, Crouch, Deavenport, Duggan, all, Hodsden, Hord, Hughes, Humphreys, Kinney, Lenoir, Maury, Miller of Hardeman, Milligan, Moore, Morris, Morrow, Rawlins, Smart, Trice, Trimble, Walker of Williamson, Wheeler and Williams.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Bond, Bone, Brooks, Burrus, Cherry, Cleveland, Cross of Madison, Crudup, Edwards, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hamilton, Houston, Lauderdale, McGinnis, Miller of Marshall, Moores, Nave, Polk, Richardson, Roach, Rodgers, Scott, Sherrill, Turner, Turney, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill, No 83, giving further relief to married women in obtaining divorces.

Mr. Goode moved to amend said bill, by striking out the second section, which amendment was adopted.

Mr. Rodgers offered the following amendment to said bill, constituting two additional sections.

Sec. Be it enacted, That in all cases, where any married woman shall prove to the satisfaction of the court, that her husband sold her, before he abandoned her, said bargain and sale being fully proven, to the satisfaction of said court it shall be sufficient cause of divorce.

ec. Be it enacted, That when the wife, shall abandon the husband, malicious absence shall be presented in one year; which amendment was adopted.

Said bill as amended was then read a third time; and the question being taken, shall the bill pass?" it was determined in the affirmative, yeas 54, nays 13.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison,

Cross of Sullivan, Crouch, Crudup, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Marr, Maury, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Smart, Trice, Turney, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Deavenport, Hughes, Lauderdale, M'Ginnis, Miller of Hardeman, Nave, Rodgers, Scott, Sherrill, Trimble, Turner, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 70, to repeal all laws allowing more than one gate to be kept on Scot's turnpike road leading through Fentress county.

Mr. Goode, offered an amendment which provides for reorganizing the regiments in the county of Giles, so as to make four regiments in said county, and the additional one to be the 16th regiment of the Tennessee Militia, &c. which amendment was adopted.

A bill from the Senate No. 87, to prescribe the mode of registering conveyance, made for the separate use and maintainance of married women.

Said bill was then read a third time, and the question being taken "shall the bill pass?" and was determined in the negative, yeas 20, nays 44.

Those who voted in the affirmative are,

Messrs. Bledsoe, Bobo, Brooks, Carson, Cherry, Cleaveland, Duggan, Eubank, Garner, Gordon, Hughes, Humphreys, Jourdan, Lenoir, Nave, Polk, Trice, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Black, Boddie, Bone, Burrus, Cheatham, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Edwards, Farquharson, Glenn, Goode, Hamilton, Hodsden, Hord, Houston, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trott, Turney, Walker of Hickman, Wann, and Williams.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The house took up A bill from the Senate, No. 89, to prevent injury to real estate while subject to redemption.

Mr. Bledsoe moved to amend said bill by striking out, after the enacting clause, and inserting the following: the land sold under execution or liable to redemption, shall remain in the possession of the debtor for the two years, without rent.

Mr. Burrus moved the previous question; which recurring a second time.

The question was then put, shall the main question be now taken? and was determined in the affirmative.

The main question was then taken, shall the bill pass? and was determined in the affirmative, yeas 60, nays 11.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bobo, Bledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Crouch, Crudup, Deavenport, Duggan, Edwards, Farquharson, Garner, Goodall, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney,

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Lenoir, McGinnis, Miller of Hardeman, Miller of Marshall, Moorman, Morris, Morrow, Nave, Polk, Rawlings, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wann, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bone, Cross of Sullivan, Fisher, Glenn, Lauderdale, Marr, Milligan, Moores, Rodgers, Trott, and Wheeler.

The House took up A bill from the Senate, No. 80, to encourage domestic manufactures.

Said bill was then read a third time.

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 34, nays 32.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Brooks, Burrus, Carson, Cheatham, Crouch, Crudup, Deavenport, Duggan, Goodall, Hodsden, Humphreys, Jourdan, Kinney, Lenoir, Moorman, Morris, Morrow, Rawlings, Richardson, Rodgers, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Hickman, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Boddie, Bone, Cherry, Cleaveland, Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon Hamilton, Hord, Houston, Huddleston, Hughes, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Nave, Roach, Scott, Trott, Turner, Turney, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

The House took up A bill from the Senate, No. 93, to amend the practice in courts of law and equity, and for other purposes.

Mr. Crudup moved to amend the bill, by striking out the first section of the bill, which amendment was adopted.

Said bill, as amended, was then read a third time.

And the question being taken, shall the bill pass? it was determined in the negative, yeas 28, nays 37.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bobo, Bone, Carson, Cherry, Cross of Sullivan, Crouch, Crudup, Duggan, Eubank, Farquharson, Goodall, Gordon, Hord, Hughes, Humphreys, Kinney, Marr, Morris, Nave, Rawlings, Rodgers, Sherrill, Trice, Trott, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Boddie, Bond, Brooks, Burrus, Cheatham, Cleveland, Cross of Madison, Deavenport, Edwards, Fisher, Garner, Glenn, Goodall, Hamilton, Hodsden, Houston, Huddleston, Jourdan, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Richardson, Roach, Scott, Smart, Trimble, Turner, Turney, Tyler, Walker of Hickman, and Wann.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill No. 100, for the benefit of William McAllister, formerly a deputy sheriff of Lawrence county; said bill was

then read a third time, and the question being taken, shall the bill pass; it was determined in the negative, yeas 18, nays 41.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bone, Brooks, Cherry, Deavenport, Glenn, Goode, Hodsden, Hughes, Humphreys, Kinney, McGinnis, Morris, Scott, Sherrill, Walker of Hickman, and Williams.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bond, Burrus, Carson, Cheatham, Cleaveland, Cross of Madison, Cross of Sullivan, Edwards, Eubank, Farquharson, Fisher, Gordon, Hamilton, Hord, Houston, Lenoir, Maury, Milligan, Moores, Moorman, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers Smart, Trice, Trimble, Turner, Turney, Tyler, Wann, Wheeler, and Mr. Speaker Barringer.

So said bill was rejected

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate No. 106, to amend the 4th section of the act of 1835, chap. 13th.

Mr. Kinney offered the following amendment to said bill: except peddlers who carry cotton yarn, garden seeds and merchandise free by law from taxation; which amendment was adopted.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the negative, yeas 25, nays 32.

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bobo, Bone, Burrus, Cheatham, Cross of Madison, Deavenport, Duggan, Farquharson, Glenn, Goode, Hodsden, Kinney, Miller of Marshall, Milligan, Moores, Rawlings, Richardson, Roach, Sherrill, Trice, Tyler, Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Boddie, Bond, Brooks, Carson, Cherry, Cross of Sullivan, Edwards, Eubank, Fisher, Gordon, Hamilton, Hord, Houston, Humphreys, Lenoir, McGinnis, Moorman, Morris, Morrow, Nave, Rodgers Smart, Trimble, Turney, Turner, Walker of Hickman, Wann, Wheeler, and Williams.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate No. 95, to provide more effectually for the education of apprentices.

On motion of Mr. Richardson, said bill was indefinitely postponed.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following bills from the Senate:

A resolution No. 101, in relation to the payment of the expenses of defending the title of the Toqua school section in Monroe county.

A bill, No. 104, to authorize the county court of Blount county to permit the erection of mills and other water works in certain cases; which bills were severally read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 110, to establish the county of Jones, in honor of his Excellency, James C. Jones, present Governor of Tennessee.

Mr Hughes moved to strike out "Jones" wherever it occurs and insert "Cherokee;" which motion was agreed to by the House.

Said bill as amended was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 42, nays 12.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Boddie, Brooks, Burrus, Carson, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Glenn, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Kinney, Lenoir, McGinnis, Miller of Marshall, Milligan, Moorman, Morris, Scott, Sherrill, Smart, Trice, Turner, Turney, Tyler, Walker of Hickman, Wann, Williams, and Mr Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Bond, Cheatham, Moores, Morrow, Nave, Rawlings, Roach, Rodgers, Trimble, and Wheeler,

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill No. 115, to amend the laws for the suppression of usury.

Said bill was then read a third time.

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 38, nays 15

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Bobo, Boddie, Bone, Burrus, Cheatham, Cherry, Cross of Sullivan, Duggan, Edwards, Eubank, Fisher, Glenn, Gordon, Hord, Houston, Humphreys, Kinney, Lenoir, Milligan, Moores, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turney, Tyler, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Brooks, Carson, Cross of Madison, Deavenport, Farquharson, Goode, Hamilton, McGinnis, Miller of Marshall, Moorman, Nave, Walker of Hickman, Wann, and William.

So said bill passed on its third and last reading.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill from the Senate, No. 109, to equalise the tax on privilege of inuring lives and property."

Said bill was then read a third time, And the question being taken shall the bill pass? it was determined in the affirmative, yeas 49, nays 8.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Eubank, Farquharson, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord Houston, Humphreys, Kinney, Lenoir, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turney, Walker of Hickman, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Cherry, Edwards, Hughes, Scott, Turner, Wann and Williams.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Hamilton moved a reconsideration of the vote of the House rejecting on the 25th inst. "A bill from the Senate, No. 164, to tax race tracks and race horses;" which motion was laid on the table.

Mr. Brooks moved that the House take up "A bill from the Senate, No. 164, to establish the seat of justice in Putnam county.

The House then adjourned.

SATURDAY, JANUARY 27, 1844.

The House met pursuant to adjournment.

Mr. Black, from the select committee to which had been referred, "A bill from the Senate, No. 211, to equalise the labors of the Judges of the 4th, 5th, and 13th judicial circuits," reported that the committee had had the same under consideration, and had instructed him to report said bill without amendment, and recommend the rejection of the same.

Mr. Rodgers moved to amend said bill, by striking out all after the enacting clause, and insert the following in lieu thereof: "The chancery court at Springfield, shall be held on the 4th Monday of Jan. and of July, in each year, and the judge of the middle division shall hold said court; and citizens of Robertson county shall file their bills in said court.

Mr. Morrow moved to amend the amendment by adding two additional sections, which provide for the transfer of cases now pending in the chancery courts at Pikeville and Cleaveland, to Harrison, in Hamilton county, at the request of complainant, and with the consent of the defendant; which amendment was adopted.

Said amendment, as amended, was then adopted.

Said bill as amended, was then read a third time and passed.

The title was then amended.

Ordered that the clerk acquaint the Senate therewith.

Mr. Miller of Hardeman, from the Committee on the Judiciary to which had been referred—A bill from the Senate, No. 140, to alter the lines between the counties of Wilson and Cannon, reported said bill without amendment and recommend its passage.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Anderson,

The House took up a resolution, No. 142, instructing our Senators and Representatives in the Congress of the United States to support the further reduction of the price of public lands and for other purposes.

And the question being taken on the adoption of said resolution, it was determined in the affirmative, yeas 49, nays 23.

The yeas and noes, No. 705, being called for by Mr. Anderson and ordered by the House.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Black, Bobo, Bone, Brooks, Butrus, Carson, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Dugan, Eubank, Farquarson, Fisher, Garner, Glenn, Goode, Gordon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, M'Ginnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Morrow, Polk, Scott, Sherrill, Trice, Trott, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Boddie, Bond, Cheatham, Cleveland, Crudup, Edwards, Goodall, Hamilton, Hodsden, Lenoir, Maury, Moores, Moorman, Nave, Rawlings, Richardson, Roach, Smart, Trimble, Turner, Tyler, and Williams.

So said resolution was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Walker of Williamson, moved that the House take up a resolution No. 192, proposing the adjournment of the General Assembly *sine die*, on Monday, 29th instant.

And the question being taken, on agreeing to said motion, it was determined in the affirmative, yeas 44, nays 28.

The ayes and noes. No. 504, being called for by Mr. Walker of Williamson and ordered by the House.

Those who voted in the affirmative are,

Messrs. Black, Bledsoe, Bond, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Jourdan, Kinney, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Rawlings, Roach, Scott, Trice, Trott, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams and Wyley

Those who voted in the negative are,

Messrs. Alexander, Anderson, Avery, Bobo, Boddie, Bone, Brooks, Burrus, Cheatham, Cleveland, Crudup, Deavenport, Duggan, Goodall, Humphreys, Lenoir, Marr, Morrow, Nave, Polk, Richardson, Rodgers, Sherrill, Smart, Trimble, Turner, Tyler, and Mr. Speaker Barringer.

So the House agreed to take up said resolution.

Mr. Maury, moved to strike out Monday, the 29th instant, and insert Wednesday the 1st day of February.

Mr. Polk, moved to amend said resolution by striking out Monday, the 29th instant, and insert this day, 5 o'clock, P. M.

Mr. Farquharson moved for a division of the question.

The question was then taken, on striking out, it was determined in the negative, yeas 34, nays 38.

The ayes and nays, No. 507, being called for by Mr. Walker of Williamson, and was ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Bobo, Bone, Brooks, Cheatham, Cleveland, Cross of Madison, Crudup, Duggan, Edwards, Eubank, Goodall, Gordon, Houston, Humphreys, Kinney, Lenoir, Marr, Moorman, Morrow, Nave, Polk, Richardson, Rodgers, Sherrill, Smart, Trimble, Turner, Tyler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Boddie, Bond, Burrus, Carson, Cherry, Cross of Sullivan, Crouch, Deavenport, Farquharson, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hord, Huddleston, Jourdan, Lauderdale, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Rawlings, Roach, Scott, Trice, Turney, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Williams, and Wyley.

So the House refused to strike out Monday.

Mr. Williams moved a reconsideration of the vote just taken refusing to strike out Monday.

And the question being taken on agreeing to said motion it was determined in the affirmative, ayes 43, nays 31.

The ayes and nays, No. 509, being called for by Mr. Trott, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, B'edsoe, Foho, Boddie, Bone, Cheatham, Cleaveland, Crouch, Crudup, Deaverport, Duggan, Edwards, Eubank, Glenn, Hamilton, Hodsdon, Houston, Hughes, Humphrey, Kinney, Lenoir, Marr, Moorman, Morrow, Nave, Polk, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turner, Turney, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond Burrus, Crouch, Cherry, Cross of Madison, Cross of Sullivan, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hord, Hudleston, Jourdan, Lauderdale, McGinnis, Mury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Morris, Rawlings, Scott, Trott, Ty'ler, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said vote was reconsidered.

Mr Avery, moved to strike out "Monday, the 29th inst." and insert "Monday, 31st inst."

And the question being taken on agreeing to said motion it was determined in the affirmative, yeas 40, nays 23.

The ayes and noes, No. 503, being called for by Mr. Farquharson, and ordered by the house, those who voted in the affirmative are,

Messrs. Alexander, Avery, Anderson, Bledsoe, Bobo, Boddie, Brooks, Cheatham, Cleaveland, Crouch, Crudup, Deaverport, Duggan, Edwards, Eubank, Glenn Hodsdon, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, Marr, Moorman, Mury, Morrow, Nave, Polk, Richardson, Rodgers, Sherrill, Smart, Trimble, Turner, Tyler, Williams, and Mr. Speaker Barringer

Those who voted in the negative are,

Messrs. Bond, Bone, Burrus, Crouch, Cherry, Cross of Madison, Cross of Sullivan, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hord, Hudleston, Jourdan, McGinnis, Mury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Rawlings, Scott, Trice, Trott, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

So said amendment was adopted.

Said resolution as amended was then adopted.

Ordered that the clerk acquaint the Senators herewith.

A message from the Senate by Mr. Cooke the clerk:

MR. SPEAKER: The Senate have taken up and considered the amendments of the House to Senate bills of the following titles:—A bill for the benefit of delinquent officers in certain cases—A bill to refund to White County the interest upon the common school fund improperly paid over under the act of 1837-8, &c.—A bill incorporating the Tennessee manufacturing company; in which case defects of the House the Senate severally concur; the Senate recede from the amendment to the fourth amendment of the House to Senate's bill entitled:—A bill to change the time of holding the circuit and chancery courts therein named. The senate have taken up and considered the amendments of the House to the following bills from the Senate:—A bill, No. 180, to tax goods sold at auction—A bill, No. 122, to change the name of Jackson Perry Baccock and John Russell Brown—A bill, No. 85,

giving further relief to married people in obtaining divorces, and the Senate nonconcur in said amendments. The Senate have taken up and considered the amendment of the House in which amendment the House is ist to--A bill from the senate, No. 24, to exempt from execution five head of sheep in certain contingencies specified therein; and the senate upon further consideration do not recede from their nonconcurrence in said amendments of the House; the Senate have taken up and considered the amendments of the House to a bill from the Senate, No. 110, to establish the county of Jones, in honor of His Excellency James C. Jones, the present Governor of the State of Tennessee, and the Senate concur in the first amendment of the House, and non-concur in the second amendment. The Senate have taken up and considered the amendment of the House to Senate's amendment to, A bill from the House, No. 310, to authorise and empower the county Trustees of the county of Bedford, to collect any arrears of school funds remaining in the hands of any former Trustees for said county, and for other purposes; and have concurred therein, and the same is herewith transmitted. The Senate have taken up and considered the amendments of the House to the amendments of the Senate to, A bill from the House, No. 283, to authorise the officers of the Bank of Tennessee, to draw upon the Treasurer in the case of a deficiency of means in the Bank to meet its current liabilities, and to amend the revenue laws; and the Senate concur therein, and the same is herewith transmitted. The Senate have read a third time and passed without amendment, A bill, No. 318, more effectually to provide against the defalcation of the public officers; and the same is herewith transmitted. The Senate have read a second time and rejected, A bill from the House, No. 275, to regulate and restrict the retail of spirituous liquors. The Senate have taken up and adopted, A resolution, No. 117, relating to the appointment of commissioners to settle and compromise with the securities of R. H. McEwen, late Superintendent of Public Instruction; which is herewith transmitted. The Speaker of the Senate has signed the following Enrolled Bills of the Senate: An act to amend an act entitled, an act to appropriate money for the improvement of rivers in East Tennessee—An act to change the time of holding certain circuit and chancery courts—An act to remove obstructions from public roads—An act to incorporate an association to be known by the style of the "Advocate's Library"—An act to amend the act of 1805 chapter 2, in relation to illegitimate children—An act to repeal an act passed on the 25th January, 1840, entitled, an act to increase the tax on brewers—An act to provide the mode of taking depositions in certain cases when defendants reside out of the State—An act to refund the interest upon the common school fund improperly paid over under the act of 1837-8—An act to change the time of holding the circuit and chancery courts therein name; and An act to provide in certain cases for the disposition of slaves acquitted of felony on the plea of insanity; which Enrolled Bills are herewith transmitted for the signature of the Speaker of the House of Representatives; the Speaker of this House thereupon signed said Enrolled Bills.

Ordered that the clerk acquaint the Senate therewith.

The house took up, A bill from the Senate, No. 234, to provide for the election of a clerk of the Criminal court in Davidson county.

Mr. Brooks moved the previous question, which being seconded by a majority of all the members present.

The question was then taken; "shall the main question be now put?" which being determined in the affirmative.

Said bill was then read a second time and passed.

The house took up, A resolution from the Senate, No. 110, which is as follows:

Resolved by the General Assembly of this State, That so much of the proceedings adopted by the Legislature of Tennessee in 1827, as contain the allegation either expressed or implied of an improper and corrupt combination, or as it has been more generally denominated, "barter, bargain, and intrigue," between John Q. Adams and Henry Clay, is in that opinion of this General Assembly unsupported by proof not believed to be true.

Which resolution was read.

Mr. Cross of Madison moved the previous question; which being seconded by a majority of all the members present, and the question being taken, shall the main question be now put? which being determined in the affirmative, yeas 38, nays 35.

The yeas and nays, No. 510, being called for by Mr. Polk, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrow, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Duggan, Goodall, Goode, Hamilton, Holsden, Humphreys, Jouran, Lenoir, Maury, Moses, Woodman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Boddie, Bobo, Cherry, Cross of Sullivan, Deavenport, Edwards, Eubaak, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wagon, and Wyley.

So said resolution was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Boddie moved a reconsideration of the vote just taken adopting said resolution; and after some discussion thereon, Mr. Morris moved the previous question; which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put? which being determined in the affirmative, the question was then taken on the reconsideration of said vote of the House as moved by Mr. Boddie, and was determined in the negative, yeas 35, nays 30.

The yeas and nays, No. 511, being called for by Mr. Black, and ordered by the House, those who voted in the affirmative are,

Messrs. Anderson, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch,

ivenport, Edwards, Eubank, Fisher, Garner, Glenn, Gordon, Hard-
 ington, Huddleston, Hughes, Kinney, Lauderdale, Mc Ginnis, Marr,
 ler of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Small,
 ott, Turner, turney, Walker of Hickman, Wann, and Wyley.

Those who voted in the negative are,

me srs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus,
 r or, Chestham Cleaveland, Crudup, Duggan, Goodall, Goode,
 amilton Hadsden, Humpreys Jourdan, Lenoir, maury, moores, Moor-
 on, morris, Morrow. Nave, Rawlings, Richardson, Roach, Rodgers,
 errill, Trice, trimble, Tyler, Walker of Williamson, Wheeler, Wil-
 ms, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

The House then adjourned until 6 o'clock this evening.

NIGHT SESSION.

The House met pursuant to adjournment.

The House took up the report of the chairman of the select commit-
 ee, in relation to resolutions adopted by the General Assembly of 1839,
 resented to the senate by Mr. Cocke, January, 1844.

On motion of Mr. Walker of Williamson.

The House ordered that said report be made the special order of the
 ay for Monday next.

Messrs. Buddie and Nave have leave to change their votes on the
 adoption of a resolution from the senate, No. 100, relating to certain
 resolutions adopted by the General Assembly of the state of Tennessee
 at their session of 1827, condemnatory of John Q. Adams and Henry
 Clay referred to in said resolution.

The House took up the following resolution from the senate, No.
 7:

*Resolved by the General Assembly of the State of Tennessee, that if
 either of the commissioners heretofore appointed by the General As-
 sembly to compromise and settle with the securities of Robert A. Mc-
 Ewen, former superintendent of public instructions from un- seen cir-
 cumstances, should be unable or should decline to act, that the Gover-
 nor of the state shall be, and he is hereby authorised to appoint another
 commissioner or commissioners who shall thus be unable or shall decline
 to act as aforesaid; which resolution was read and concurred in.*

Ordered that the clerk acquaint the Senate therewith.

The House took up the concurrence of the Senate to the amend-
 ment of the House, to a bill from the Senate, No. 189, to tax goods
 sold at auction, and the House upon further consideration insist upon
 their said amendment.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the Senate to a resolution of
 the House, No. 192, directory to the job printers of this General As-
 sembly, in relation to the printing of the captions of the acts and reso-
 lution of the present session of the Legislature; which amendments of
 the Senate are as follows:

1st. amendment. Resolved, That the Governor of the State be,
 and he is hereby empowered with the assent of the present public prin-

ters and the securities, to rescind so much of the existing contract between said printers and the State, as relates to the printing and publications of the reports of the supreme court; after such rescision has been made, to employ other persons to print said reports, and to require them to give a bond for the faithful fulfillment of their engagements, similar in respect to conditions, penalty, and surety to the bond required of the public printer by existing laws.

Resolved, That in addition to the time now allowed by law, further time of thirty days be, and is hereby allowed, to the public printers of the State, in which to print and deliver the Journals of the Senate and House of Representatives, as required by their bond.

2d amendment. *Resolved*, That the said public printers and their securities shall give their assent to the extension of time herein allowed, before they shall be entitled to the benefit thereof.

Mr. Williams offered the following amendment to said Senate's amendment:

Provided that the amount to be paid per thousand ems of composition and per token of press work, shall not exceed the amount paid for the same work to the public printers of 1841-42.

Mr. Goode offered the following in lieu of the Senate's amendment and the amendment offered by Mr. Williams:

Resolved, That the printers employed by the present General Assembly to print the acts and journals of this General Assembly, and the reports of the decisions of the supreme court of the State, if they do not finish their work in the manner and by the time specified in the bond executed by them, the Governor is hereby requested to demand surety upon the failure, to put their bond in suit, and he is hereby authorized to employ some printers to do said work or superintend the work as may be done on the best terms he can procure the same to be done.

Mr. Brooks moved a non-concurrence in the amendments of the Senate, and moved the previous question, which being seconded by a majority of the members present,

The question was then taken, shall the main question be now put which being determined in the affirmative,

The said question was then taken on non-concurrence in the amendments of the Senate, and was determined in the negative; yeas 34 nays 34.

The yeas and nays, No. 512, being called for by Mr. Brooks, and ordered by yeas and nays, those who voted in the affirmative are,

messrs. Anderson, Bobbe, Cherry, Cross, C. Sullivan, Cronk, Edwards, Fisher, Garner, Hart, Housen, Hudson, Kenney, McGinnis, Morrill, Wilcox, Pondman, Miller of Marshall, Miliken, Newcomb, Sherrell, Smart, Tomblin, Turner, Turney, Walker of Hickman, Wagon, and Wiley.

Those who voted in the negative are,

messrs. Avery, Black, Blodgett, Bledsoe, Bond, Bone, Brooks, Burr, Carson, Chertoff, Clinton, Devenport, Duggan, Edwards, Farquharson, Goode, Hamilton, Harnden, Humphreys, Lenoir, May, Moore, Myers, Rawlins, Richardson, Roach, Rodgers, Tice, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

So the house non-concurred in said Senate's amendments.

Ordered that the clerk acquaint the Senate therewith.

The House took up a message from the Senate, refusing to recede in its non concurrence in the amendments of the House to a bill in the Senate, No. 24, to exempt from execution five head of sheep, the contingencies specified in the act

Mr. Walker of Williamson, moved that the House adhere to its amendment to said bill.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 38, nays 25.

The yeas and noes, No. 519, being called for by Mr. Davenport, ordered by the house.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burris, Cheatham, Cherry, Crouch, Crudup, Deavenport, Edwards, Fubank, Farguharson, Fisher, Glenn, Goode, Gordon, Hord, Houston, Humphreys, Kinney, Lauderdale, Marr, Miller of Marshall, Morris, Rawlings, Richardson, Sherrill, Smart, Trimble, Tyler, Walker of Hickman, Walker of Williamson, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Carson, Cross of Sullivan, Duggan, Gain, Hamilton, Hadsden, Huddleston, Hughes, Lenoir, McGinnis, Marr, Miller of Hardeman, Milligan, Moores, Morrow, Nave, Roach, Rodgers, Turner, Turney, Wann, Wheeler, and Williams.

So the house adhere to their said amendment.

Ordered that the clerk acquaint the Senate therewith.

The house took up A bill from the Senate, No. 116, to change the place of holding the supreme court at Knoxville.

Mr. Williams moved to amend said bill, by striking out the first day of October, and inserting in lieu thereof, the second Monday of September.

Which amendment was adopted.

Said bill, as amended, was then read a third time.

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 43, nays 14.

The yeas and noes, 514, being called for by Mr. Humphreys, and ordered by the house,

Those who voted in the affirmative are,

Messrs. Anderson, Bledsoe, Bobo, Boddie, Bone, Carson, Cheatham, Cherry, Cross of Sullivan, Crouch, Deavenport, Duggan, Farguharson, Fisher, Glenn, Hamilton, Hadsden, Hord, Houston, Kinney, Lenoir, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Marr, Milligan, Moores, Morris, Morrow, Nave, Roach, Smart, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Black, Brooks, Edwards, Hughes, Humphreys, Roach, Sherrill, and Mr. Speaker Barringer.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have read a third time and passed, without amendment, a bill from the House, No. 316, to revive for a limited time, the 40th chapter of the public acts of 1829, which is herewith transmitted; the Senate have read a third time and passed, a bill, No. 231, to appoint commissioners to investigate the affairs of the respective Internal Improvement Companies in this State, in which the State owns stock, which is herewith transmitted, and the concurrence of the House in the passage thereof, is requested; the Senate have read a third time and passed, without amendment, a bill from the House, No. 315, to amend the laws in relation to common schools, which is herewith transmitted; the Speaker of the Senate has signed an enrolled bill of the Senate, entitled "an act incorporating the Tennessee and other Manufacturing Companies, which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the House thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 131, to appoint commissioners to investigate the affairs of the respective Internal Companies in the State in which the State own stock; which bill was read a first time and passed.

The House took up the concurrence of the Senate to the amendment of the House, to a bill from the Senate, No. 189, to tax goods sold at auction and upon further consideration of the House insist upon their said amendment.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the Senate to a bill from the House, No. 318, more effectually to provide against the defalcation of the public officers of the State; In which amendment of the Senate the House concur, without amendment, and the concurrence of the Senate in said amendment is requested.

Mr. Goode from the Committee on Enrolled Bills, reported as truly enrolled an act to authorize the officers of the Bank of Tennessee to draw upon the Treasurer of the State, in a case of a deficiency of the means in the bank to meet its current liabilities and amend the revenue law; and

An act to revive for a limited time the 4th chapter of the Public acts of 1829.

The Speaker of the House thereupon signed said enrolled bills.

Ordered that the Clerk transmit the same to the Senate for the signature of the Speaker thereof.

The House took up the concurrence of the Senate to the second amendment of the House striking out "Jones in honor of his excellency James C. Jones, present Governor of the state of Tennessee," and inserting in lieu thereof "Cherokee" to Senates bill, No. 110, to establish the county of Jones in honor of his excellency James C. Jones, present Governor of the state of Tennessee.

And upon further consideration of the House recede from said second amendment.

Ordered that the clerk acquaint the Senate therewith.

The House took up the the concurrence of the Senate to the amendment of the House, to "a bill, No. 85, from the Senate, giving financial relief to married people, in obtaining divorces, and on motion of Mr. Nave, the House recede from their said amendment.

Ordered that the clerk acquaint the Senate therewith.

The House took up "a bill from the Senate, No. 118 to charter

Memphis insurance company, which was read a third time and passed.
Ordered that the clerk acquaint the Senate therewith.

The house took up the nonconcurrency of the Senate in the amendment of the House to "a bill from the Senate, No. 133, to change the name of Jackson Perry Bocoock, and John Russel Brown."

Mr. Moors moved that the House recede from their said amendment; which was disagreed to by the House.

Mr. Walker of Williamson moved that the House insist on their amendment; which motion was agreed to by the House.

Ordered that the clerk acquaint the senate therewith.

The House took up a bill, No. 304, to alter, change, and regulate the times of holding the circuit courts in the twelfth judicial circuit in the State of Tennessee; said bill was then read a second time and passed.

The House took up a bill from the Senate, No. 70, to repeal all laws allowing more than one gate to be kept on Scott's turnpike road leading through Fentress county.

Mr. Sherrill moved to amend said bill striking out the first section.

Mr. Wheeler moved the previous question; which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put? which being determined in the affirmative.

The main question was then taken, shall the bill pass, and was determined in the affirmative; so said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trice moved a reconsideration of the vote of the House just taken rejecting said bill; which was disagreed to by the House.

The House took up the motion of Mr. Trimble to reconsider the vote of the House rejecting on the 30th ultimo.

A bill, No. 294, to regulate the pay of Jurors, &c.; which motion to reconsider was agreed to by the House.

The House took up the report of the chairman of the joint select committee to investigate the different Insurance offices of this State, accompanied by a resolution, which is as follows:

Resolved, by the General Assembly of the State of Tennessee, That the Attorney General for the State, and such other counsel as the Governor may appoint, be, and they are hereby directed, if in their judgment from facts proved, or such as they may find proved, or hereafter ascertain that there has been a violation of the charter, to institute and prosecute in the name of the State of Tennessee the necessary proceedings in the proper courts, to test the question, whether the Merchants Insurance and Trust Company of Nashville, has so violated its charter as amounts to a forfeiture thereof, and to have the same declared forfeited and void.

Resolved further, That the Governor of the State of Tennessee be authorised to employ additional counsel to prosecute said suit.

On motion of Mr. Trimble,

Said report and resolutions were laid on the table until Monday next.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The senate have taken up and considered the amendments of the House to a bill from the senate, entitled a bill to equalise the labors of Judges of the 4th, 5th, and 13th judicial circuits, and concur in said amendment of the House.

The House then adjourned.

MONDAY, JANUARY 29, 1844.

The House met pursuant to adjournment.

Mr. Miller of Hardeman, from the committee on conference, to which had been referred the disagreement of the two houses in the amendments to a bill, No. 185, to amend the laws to improve the navigation of the rivers in the western district; reported the same with sundry amendments thereto, and with said amendments to recommend the passage thereof; which report was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cooke, their clerk:

MR. SPEAKER The Speaker of the Senate has signed the following enrolled bills of the Senate: An act for the relief of delinquent officers in certain cases—An act to amend the law for the suppression of usury—An act to fix the time of holding the chancery courts of Robertson county, and for other purposes—An act to prevent injury to real estate while subject to redemption—An act to encourage domestic manufactures—An act to equalise the tax on the privilege of insuring lives and property—An act to alter the lines between the counties of Wilson and Cannon—An act to submit to a vote of the people, amendments of the Constitution—An act to authorise the county court of Brent county to permit the erection of mills and other water works in certain cases—and a resolution in relation to the payment of expenses of defending the title of the Toga school section in Monroe county; which bills and resolutions are herewith transmitted for the signature of the speaker of the House of Representatives.

The Speaker of this House thereupon signed said enrolled bills and resolution.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following bills: A bill, No. 202, to prevent the encouragement and stirring up of law suits—A bill, No. 291, to regulate the pay of jurors; which bills were severally read a second time and passed.

The House took up, A bill, No. 308, to alter, change, and equalise the times of holding the circuit court in the twelfth judicial circuit in the state of Tennessee.

Mr. Fisher moved the previous question which being seconded by a majority of all the members present; the question was then taken, shall the bill pass? it was determined in the affirmative.

Said bill was then read a third time and passed.

A message from the Senate by Mr. Cooke, their clerk:

MR. SPEAKER The Senate have taken up and rejected a bill from the house, No. 292, to authorise the comptroller of the treasury to audit and settle the claims of Jean B. McGehee; which is herewith transmitted.

The senate have read a third time and passed with sundry amendments thereto, the following bills from the house: A bill, No. 312, to amend the charter of the Pelham and Jasper turnpike company—A bill, No. 313, to compel the commissioners of Polk county to report and pay over money in their hands—A bill, No. 286, to appoint commissioners to superintend the construction of the State house, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the State from taxation; and A bill, No. 314, to establish the county of Grundy.

Said bills and amendments are herewith transmitted, and the concurrence of the house in said amendments is requested.

Mr. Goode, from the Committee on Enrolled bills, reported as truly enrolled—An act to amend the laws in relation to common schools; and An act to authorize and empower the county trustee of Bedford county, to collect any arrears of school funds remaining in the hands of any former school commissioner in said county, and for other purposes.

The Speaker of this house thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

Mr. Brooks moved that a committee of conference be appointed to take into consideration the disagreement of the two Houses to

A bill from the Senate, No. 24, to exempt from execution five head of sheep on the contingencies therein specified; which motion was agreed to by the house.

The Speaker thereupon announced to the house, the appointment of Messrs. Boddie, Brooks, and Polk to be of said committee on the part of the house.

Mr. Deavenport moved a reconsideration of the vote of the house on the passage of on Saturday last a bill from the Senate, No. 116, to change the time of holding the supreme court at Knoxville."

Mr. Holsden moved the previous question, which being seconded by a majority of all the members present, the question was then taken shall the main question be now put? which being determined in the affirmative; the main question was then taken, will the house reconsider said vote? and was determined in the negative.

So the House refused to reconsider said vote.

On motion of Mr. [redacted],

Ordered that a message be transmitted to the Senate requesting the transmission to this House, one thousand copies of the printed copies of the condensed report of the commissioners appointed by the General Assembly to investigate the Bank of Tennessee and Branches.

Mr. Moore moved a reconsideration of the vote of the House taken on Saturday, on the passage of "A bill from the Senate, No. 86, to aid in the establishment of an institution for the instruction of the blind and deaf and dumb; which motion was agreed to by the house."

Mr. Miller of Hardeman offered the following amendment to said bill: strike out of the third section the words "in the Treasury of the State, not otherwise appropriated," and insert in lieu thereof the following, "derived from the bonus paid by insurance companies, in the

city of Nashville;" and also strike out and insert in the 4th section as above.

Mr. Goodall offered the following amendment to the 4th section.

That the amount heretofore appropriated to the payment of Gerard Troost, as his salary for services as State Geologist, be hereafter appropriated for the education of the blind at Nashville.

Mr. Black moved to strike out Nashville, and insert Shelbyville.

Mr. Williams moved the previous question, which being seconded by a majority of all the members present,

Mr. Morrow then moved to lay said bill and amendments on the table.

And the question being taken on agreeing to said motion, it was determined in the negative, yeas 27, nays 42.

The ayes and nays being called for by Mr. Wyley, and ordered by the House, those who voted in the affirmative are,

Messrs. Black, Bobo, Boddie, Bond, Burrus, Brooks, Cross of Madison, Crudup, Deavenport, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Marr, Miller of Marshall, Moores, Richardson, Scott, Trimble, Turner, Turney, Walker of Williamson, Wann, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Avery, Bledsoe, Carson, Cheatham, Cherry, Cleveland, Cross of Sullivan, Crouch, Duggan, Eubank, Glenn, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Milligan, Moorman, Morrow, Nave, Rawlings, Roach, Rodgers, Sherrill, Smart, Trice, Tyler, Walker of Hickman, Wheeler, Williams, and Wyley.

So the House refused to lay said bill on the table.

The question was then taken, shall the main question be now put? which being determined in the affirmative, The main question was then put, shall the bill pass? and was determined in the affirmative, yeas 40, nays 27.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Bond, Brooks, Carson, Cheatham, Cross of Sullivan, Crouch, Deavenport, Duggan, Farquharson, Glenn, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Milligan, Moorman, Moores, Morrow, Rawlings, Roach, Sherrill, Smart, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Boddie, Burrus, Cherry, Cleveland, Cross of Madison, Crudup, Edwards, Fisher, Garner, Goodall, McGinnis, Marr, Moores, Nave, Polk, Richardson, Rodgers, Scott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 256, to appoint commissioners to investigate the affairs of the respective Internal Improvement companies in this State, in which the State is interested.

Mr. Goode offered an amendment to said bill, which provides, that when any incorporated Turnpike Company in this State, in which the State is stockholder, shall be enabled to purchase a suitable location for a gate, &c., can by applying to the county court by petition, setting forth therein, the name or names of the owner of said land, and the numbers of acres shall in no case exceed three acres, the damages to be assessed by a Jury of seven disinterested free holders in said county, and provided, it shall not be located in order to stop up an old road, also provides for the payment of such damages by the said company, and such gate shall not be located nearer than two hundred yards to any person's house.

Mr. Brooks, moved the "previous question;" which being seconded by a majority of all the members present, the question was then taken "shall the main question be now put;" which being determined in the affirmative.

The question was then taken "shall the bill pass?" and was determined in the affirmative, yeas 46, nays, 20.

The yeas and noes, No. 513, being called for by Mr. Walker of Williamson and ordered by the House, those who voted in the affirmative are,

Messrs. Avery, Anderson, Black, Bond, Brooks, Burrus, Carson, Cheatham, Cross of Madison, Crudup, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Goode, Hodsden, Hord, Houston, Hughes, Humphreys, Lauderdale, Lenoir, M'Ginnis, Miller of Hardeman, Milligan, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Smart, Trice, Trimble, Turney Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Boddie, Cross of Sullivan, Crouch, Garner, Glenn, Goodall, Gordon, Kinney, Marr, Miller of Marshall, Moores, Polk, Scott, Trott, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said bill passed on its second reading in this House.

Mr. Glenn moved a reconsideration of the vote of the House, taken on this morning rejecting a bill, No. 304, to alter, change, and regulate the time of holding the circuit court in the twelfth judicial circuit of the State of Tennessee.

Which motion to reconsider was agreed to by the House.

Mr. Gordon moved the "previous question;" which being seconded by a majority of all the members present, the question was then taken "shall the main question be now put;" which being determined in the affirmative.

The question was then taken "shall the bill pass?" and was determined in the negative, yeas 26, nays 41.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Bond, Brooks, Carson, Cleveland, Cross of Madison, Cross of Sullivan, Deavenport, Duggan, Edwards, Glenn, Hamilton, Hodsden, Houston, Jourdan, Morris, Nave, Rawlings, Sherrill, Turner, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Burrus, Cheatham, Cherry, Crouch, Crudup, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hord, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Polk, Richardson, Roach, Scott, Smart, Trice, Turney, Tyler, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

So said bill was rejected.

The House took up a bill from the Senate No. 119, to prescribe the mode of registering wills for land executed out of the limit of the State of Tennessee; said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 41, nays 24.

Those who voted in the affirmative are,

Messrs. Andreason, Avery, Black, Bond, Brooks, Burrus, Carson, Cherry, Cleveland, Crudup, Deavenport, Duggan, Eubank, Fisher, Garner, Glenn, Goodall, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, M'Ginnis, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trice, Walker of Williamson, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Boddie, Cheatham, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Farquharson, Goode, Hamilton, Hodsdon, Hughes, Maury, Milligan, Morrow, Richardson, Roach, Turner, Turney, Tyler, Walker of Hickman, Wann, and Williams.

So said bill passed on its third and last reading in the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Duggan moved a suspension of the rule of the order of business, so as to enable him to move the adjournment of this General Assembly *sine die* on this day, at 3 o'clock, P. M.; which motion was disagreed to by the House.

The House took up a bill from the Senate, No. 121, to complete the boundary line separating the counties of Dickson and Montgomery.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took a bill from the Senate, No. 126, for the regulation of costs in certain cases, which bill was then read a third time and passed; yeas 55, nays 9.

Those who voted in the affirmative are,

Messrs. Avery, Black, Bledsoe, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, M'Ginnis, Maury, Milligan, Moores, Moorman, Morris, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trimble, Turner, Turney, Tyler, Walker of Hickman, Wann, Wheeler, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Eubank, Hughes, Miller of Hardeman, Miller of Marshall, Morris, Trice, Walker of Williamson, and Williams.

So said bill passed on its third and last reading in the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill, No. 128, from the Senate, to give securities and creditors right to recover usurious money paid by the principal or debtor in satisfaction of his debt or liability; said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 48, nays 17.

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bobo, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Goode, Gordon, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Miller of Marshall, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Scott, Sherrill, Smart, Trimble, Trott, Turney, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Cleveland, Farquarson, Goodall, Hamilton, Hughes, Maury, Miller of Hardeman, Milligan, Moorman, Roach, Trice, Turner, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 131, to amend the ac. incorporating the town of Centreville.

Mr. Walker of Hickman, offered the following proviso to the second section of the bill: *Provided*, the County Courts may compel the hands residing in the corporate limits, to keep up the road from the corporate limits to the ford of the river at Grinders; which amendment was adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 132, more effectually to enable the creditors of deceased persons to collect their debts out of the real estate of such deceased persons.

Mr. Goode asked and obtained leave to withdraw said bill for amendment.

A message from the Senate by Mr. Cocke their clerk:

MR. SPEAKER: The Senate have taken up and rejected a bill, No. 253, to change the County Line between the counties of Giles and Marshall; which bill is herewith transmitted.

I am directed to request the retransmission to the Senate of a bill to appoint commissioners to superintend the construction of the State House, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the State from taxation.

The Speaker of the Senate has signed the following enrolled bills from the House: an act to amend the laws in relation to common schools; an act to revive for a limited time, the 40th chapter of the public acts of 1829; an act to authorise the President and Directors of the Bank to draw upon the Treasurer of the State, in case of deficiency of means in the Bank to meet its current liabilities, to amend the revenue laws of the State, and an act to authorise and empower the county trustee of the county of Bedford, to collect any arrears of school funds remaining in the hands of any former school commissioners for said county, and for other purposes; and the same is herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Ordered that the clerk transmit the same to the Senate.

A bill to appoint commissioners to superintend the construction of the State House, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people from taxation.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the amendment of the House to the Senate's amendment, to a bill from the House, No. 318, more effectually to provide against the defalcation of public officers of the state, and the amendments of the House to a bill from the Senate, to repeal all laws allowing more than 1 gate to be kept on Scott's turnpike road, leading through Rentress county, and have concurred therein; the Senate have taken up and considered a resolution from the House, No. 142, instructing our senators, and requesting our representatives in Congress to support the further reduction of the price of public land, and for other purposes, in which resolution the Senate

concur with an amendment, which is herewith transmitted, and the concurrence of the House in said amendment is requested; the Senate have taken up and considered the amendment of the House to a bill from the Senate, No. 118; to charter the Memphis Insurance Company, and the Senate concur in so much of said amendment as requires the payment of five dollars on each share, at the time of subscribing, and non concur in that part of the amendment to be secured by State bonds, and said bill is herewith transmitted; the senate have read a third time and passed, with an amendment, a bill from the House, No. 323, to establish a chancery court at Manchester, in Coffee county, and for other purposes, and the same is herewith transmitted, and the concurrence of the House in said amendment is requested; the senate recede from their disagreement to the amendment of the House to the senate's bill, entitled a bill to tax goods sold at auction; the senate have taken up the proposition of the House for a committee of conference on the disagreement of the two houses, to a bill from the senate, No. 24, to exempt from execution, five head of sheep, on the contingencies therein specified, and concur in said proposition, and have appointed Messrs. Martin, Cullom, and Turney, to be of said committee on part of the Senate.

The Speaker of the Senate has signed the following enrolled bills and resolutions of the Senate, to wit: an act giving further relief to married persons in obtaining divorces; a resolution relating to certain resolutions adopted by the General Assembly of the State of Tennessee, at their session of 1827, condemnatory of John Q. Adams and Henry Clay, referred to in said resolution, and a resolution relating to the appointment of commissioners to settle and compromise with the securities of Robert H. McEwen, late Superintendent of Public Instruction, which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the House thereupon signed said enrolled bills and resolutions.

Ordered that the clerk acquaint the Senate therewith.

The House took up the following amendment of the Senate to: A bill, No 314, to establish the county of Grundy; in which amendments the house severally concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the Senate to, A bill from the house, No. 312, to amend the charter of the Jasper and Pelham turnpike company; in which amendment of the Senate the House concur.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No 134, to amend the charter of the Holston College.

Mr. Carson offered the following amendment to said bill: strike out the following words at the latter clause of the first section: "with the consent of the Holston Conference."

Mr. Moore moved the previous question, which being seconded by a majority of all the members present

The question was then taken, "shall the main question be now put?" and was determined in the affirmative, yeas 40, nays 18.

The yeas and nays No. 522, being called for by Mr. Carson, and ordered by the House.

Those who voted in the affirmative are,

Messrs. Black, Boddie, Bond, Bone, Burrus, Cheatham, Cherry, Cross of Madison, Crouch, Duggan, Eubank, Fisher, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Rawlings, Richardson, Roach, Sherrill, Smart, Trimble, Trott, Walker of Hickman, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Brooks, Carson, Cleveland, Cross of Sullivan, Deavenport, Garner, Hughes, McGinnis, Marr, Milligan, Morrow, Nave, Rodgers, Turney, Walker of Williamson, and Wann.

So the House agreed the main question should be put.

The main question was then put, "shall the bill pass?" it was determined in the affirmative, yeas 40, nays 19.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Boddie, Bone, Burrus, Cheatham, Cleveland, Cross of Madison, Crouch, Duggan, Fisher, Gordon, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Morris, Moorman, Rawlings, Richardson, Roach, Sherrill, Smart, Trice, Trimble, Walker of Hickman, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobo, Brooks, Carson, Cherry, Cross of Sullivan, Deavenport, Eubank, Garner, Huddleston, McGinnis, Marr, Morrow, Nave, Rodgers, Scott, Trott, Turney, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No. 137, to regulate the manner of reporting the decisions of the supreme court in this State; said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 51, nays 11.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Cheatham, Cherry, Cleveland, Cross of Madison, Crouch, Deavenport, Duggan, Eubank, Fisher, Goode, Gordon, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Polk, Rawlings, Richardson, Roach, Sherrill, Smart, Trice, Trimble, Trott, Walker of Williamson, Wann, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Carson, Cross of Sullivan, Glenn, Lenoir, Maury, Morrow, Nave, Rodgers, Walker of Hickman, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate No. 142, to extend the corporate limits of the town of Dresden, in the county of Weakley; said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 164, to declare the embezzlement of money in certain Bank officers as felony; said bill was then read a third time,

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 5, nays 2

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Burius, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Fisher, Garner, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Richardson, Roach, Scott, Sherrill, Smart, Trice, Trimble, Trott, Turner, Wann, Wheeler, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Farquharson, and Rodgers.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 149, to declare the speaking of certain words actionable.

On motion of Mr. Walker of Hickman,

Said bill was indefinitely postponed.

The House took up a bill from the Senate, No. 147, to incorporate the Mechanics Library Association at Nashville.

Mr. Williams offered an amendment which provides for incorporating the Mechanics Association of Knoxville.

Mr. Farquharson offered an amendment which provides for incorporating the Lincoln Library Association; which amendments were severally adopted by this House.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate No. 151, to tax public watering places.

On motion of Mr. Goode, said bill was indefinitely postponed.

The House took up a bill from the Senate, No. 153, to authorise Andy Harrison and Thomas Gardner to open and keep in repair a turnpike road across the Cumberland mountain.

Mr. Cheatham offered an amendment constituting two additional sections which provides that the Nashville bridge company may subscribe any amount to the White's creek turnpike company.

The 7th section provides that said company when organised, shall have the power to make and extend an arm of said road from or about the first gate to the ford of White's creek at or near C. W. Moorman's and F. H. Stumps, provided nothing in the original or supplemental acts shall authorise the erection of more than two gates; which amendment was adopted.

Mr. Milligan offered an amendment constituting the 8th section of the bill, which provides that the proposition of the Paint mountain turnpike road leading from Nolechucky river in Greene county to Paint rock on French Broad river to alter a branch of said road leading over Meadow creek mountain, known as the Warrensburg road to intersect at or near James Coulter's present residence; which amendment was adopted.

Mr. Duggan offered the following amendment :

Sec. 9. Be it enacted that William Robinson, proprietor of the river turnpike road in Cocke county, be and he is hereby authorised to establish and erect his toll gate at any point in said road that he thinks proper; which amendment was adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 157, for the relief of the owners of land through which the Hiwassee Railroad runs, and for other purposes.

Mr. Smart moved the previous question; which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put, which being determined in the affirmative, the main question was then taken, shall the bill pass, and was determined in the negative, yeas 22, nays 46.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Brooks, Deavenport, Farquharson, Hodges, Hord, Houston, Hughes, Humphreys, Lauderdale, Lenoir, Morris, Polk, Rawlings, Roach, Rodgers, Sherrill, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bobo, Boddie, Bone, Burrus, Caison, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Edwards, Eubank, Fisher, Garner, Glenn, Goode, Gordon, Huddleston, Jourdan, Kinney, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moore, Moorman, Nave, Richardson, Scott, Smart, Trice, Trimble, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Williams asked and obtained leave to withdraw from the file of the House petitions, maps, &c, relating to the Antioch turnpike company.

Mr. Walker of Williamson asked and obtained leave to withdraw from the file of the House a petition for the benefit of James Brown, of Williamson county.

Mr. Boddie, from the Committee on Finance, to which had been referred a bill from the Senate, No. 175, to defray the expenses of the present General Assembly, with the report of the joint select committee on finance which is made a part of this bill, reported that the committee had had the same under consideration and had instructed him to report an amendment in lieu of said bill from the enacting clause, and with said amendment to recommend the passage thereof; said amendment was then adopted.

Mr. Carson offered an amendment which provides that the Comptroller of the Treasury shall issue his warrant to George R. Powell for sixty-nine dollars, to Merriman Payne for seventy five dollars, to George Branner seventy-seven dollars and sixty-four cents, for services rendered as commissioners to investigate the branch of the Bank of Tennessee at Rogersville, to be paid out of any money in the Treasury not otherwise appropriated.

Which amendment was rejected.

Said bill was then read a third time:

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 56, nays 11.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Burrus, Cheatham, Cleveland, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crutcher, Deavenport, Edwards, Farquharson, Fisher, Glenn, Goode, Gordon, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Nave, Rawlings, Rodgers, Scott, Sherrill, Smart, Trimble, Trotter, Walker of Hickman, Walker of Williamson, Wann, Wheeler, Wyley and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Brooks, Carson, Duggan, Hamilton, Morrow, Polk, Roach, Price, Turner, Turney, and Williams.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 161, to settle and regulate the conflicting claims of the State of Tennessee, and private creditors in certain cases.

On motion of Mr. Miller of Hardeman,

Said bill was indefinitely postponed.

The House took up a bill from the Senate, No. 163, in obedience resolution in favor of John Norman, adopted January 22d, 1842; said bill was read a third time and passed.

The House took up a bill from the Senate, No. 148, for the relief of sheriff in certain cases; said bill was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 45, nays 10.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bone, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crutcher, Deavenport, Duggan, Fisher, Garner, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Hardeman, Milligan, Moores, Morris, Morrow, Nave, Polk, Rawlings, Rodgers, Sherrill, Smart, Price, Walker of Williamson, Wann, Wheeler, Williams and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bond, Brooks, Burrus, Edwards, Farquharson, Glenn, Goode, Gordon, Hamilton, Huddleston, Marr, Maury, Miller of Marshall, Moorman, Richardson, Roach, Turney, Walker of Hickman, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Coker, their clerk:

MR. SPEAKER: The Senate have taken up and considered the report of the Committee of Conference on the disagreement of the two Houses, on a bill from the House, No. 185, to amend the laws to improve the navigation of the rivers in the Western District; in which report the Senate concur.

The House then adjourned.

NIGHT SESSION.

The House met pursuant to adjournment.

The House took up a bill from the Senate, No. 166, to establish a chancery court in the town of Lexington, in the county of Henderson.

Mr. Bledsoe moved that said bill be indefinitely postponed.

Mr. Crudup moved the 'previous question;' which being seconded by a majority of all the members present, the question was then taken 'shall the main question be now put?' which being determined in the affirmative.

The question was then taken 'shall the bill pass?' it was determined in the affirmative.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 165, to establish the seat of justice of Putnam county.

Mr. Huddleston offered an amendment in lieu of the whole bill, from the enacting clause, which provides that Jesse Roberts of Overton county, Jonathan C. Davis of White county, and _____ of Jackson county, be appointed commissioners to ascertain the centre of said county of Putnam, and when so ascertained they shall designate the nearest practicable point to said centre for the establishment of a seat of justice in said county, and in no case shall it go east, or _____ miles west thereof for said location, provided the citizens cut off from the county of Overton, and attached to said county, shall have the privilege of voting themselves to either county, if they so desire and in case of refusal of any of the commissioners to act, the circuit court shall fill the vacancy.

Mr. Crudup moved the previous question, which being seconded by a majority of all the members present, the question was then taken, 'shall the main question be now taken?' which being determined in the affirmative, the main question was then taken, 'shall the bill pass?' it was determined in the affirmative.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Rodgers moved a reconsideration of the vote of the House, on the passage of said bill; which was agreed to by the House, and said vote was reconsidered.

Mr. Rodgers moved to strike out "Daniel Hought and Carr Deery," and insert in lieu thereof "James Jackson and John Buchanan;" which amendment was adopted.

Said bill, as amended, was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill from the Senate, No. 167, to carry into effect: section of Literary exchanges?"

Said bill was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 52, nays 12.

Those who voted in the affirmative are,

Messrs. Alexander, Avery, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Cleveland, Crudup, Deavenport, Fisher, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Harleman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Turner, Turney, Tyler, Walker of Williamson, Wann, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Burrus, Carson, Cross of Sullivan, Crouch, Eubank, Farquharson, Nave, Polk, Walker of Hickman, Wheeler, and Wyley.

Said bill passed on its third and last reading in the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, for the relief of Henry Wilton.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 172, to continue Gerard Troost Geologist of the State.

Said bill was then read a third time.

Mr. Farquharson moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, shall the main question be now put, which being determined in the affirmative, the main question was then taken, shall the bill pass, and was determined in the affirmative, yeas 37, nays 29.

Those who voted in the affirmative are,

Messrs. Avery, Boddie, Bond, Bone, Burrus, Bledsoe, Carson, Cheatham, Cherry, Deavenport, Farquharson, Fisher, Glenn, Goode, Gordon, Hamilton, Hodsden, Hord, Houston, Humphreys, Jourdan, Kinney, Lenoir, Marr, Maury, Miller of Harleman, Moorman, Morrow, Polk, Rawlings, Rodgers, Sherrill, Trimble, Trott, turney, Tyler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Brook, Cleveland, Cross of Madison, Cross of Sullivan, Crudup, Crouch, Duggan, Eubank, Garner, Huddleston, Hughes, Lauderdale, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Nave, Richardson, Roach, Turner, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Trott moved a re-consideration of the vote just taken on the passage of said bill.

Mr. Williams moved the previous question, which being seconded by a majority of all the members present,

Mr. Brooks moved that said bill be laid on the table; which motion was disagreed to by the House.

Mr. Crudup moved a call of the House; which motion was also disagreed to by the House.

The question was then taken, shall the main question be now put? which being determined in the affirmative,

The main question was then taken, will the House reconsider said vote? and was determined in the negative; yeas 30, nays 35.

The yeas and nays, No. 531, being called for by Mr. Black and ordered by the House, those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Brooks, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Eubank, Garner, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Moores, Morris, Nave, Richardson, Roach, Sherrill, Trott, Turner, Wann, Wheeler, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Boddie, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Fairquharson, Fisher, Glenn, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Humphreys Jourdan, Lenoir, Maury, Miller of Hardeman, Moorman, Morrow, Polk, Rawlings, Rodgers, Trimble, Turney, Tyler, Walker of Hickman, Walker of Williamson, Williams, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

The House took up a bill from the Senate, No. 171, to elect an additional Justice of the Peace in the town of Chattanooga, in Hamilton county.

Mr. Cross of Madison, offered an amendment which provides for the election of an additional Justice of the Peace in the 15th civil district, in Madison county.

Mr. Turney offered an amendment which provides for the election of an additional Justice of the Peace in the 10th civil district in Lincoln county, for the town of Petersburg; which amendments were severally adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 175, to repeal the act of 1824, chapter 20, and for other purposes.

Said bill was then read a third time.

Mr. Miller of Hardeman, moved the indefinite postponement of said bill; which motion was disagreed to by the House.

The question was then taken, "shall the bill pass?" it was determined in the affirmative, yeas 36, nays 31.

Those who voted in the affirmative are,

Messrs. Anderson, Bond, Brooks, Cheatham, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Fairquharson, Fisher, Garner, Glenn, Gordon, Hodsdon, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, Morrow, Nave, Polk, Rawlings, Richardson, Rodgers, Sherrill, Trimble, Trott, Turner, Williams, Wyley, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Bobo, Boddie, Bone, Burrus, Carson, Cherry, Cleaveland, Crudup, Eubank, Goode, Hamilton, Lauderdale, McGinnis, Marr, Maury, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Roach, Trice, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wheeler.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the senate therewith.

The house took up, A bill from the senate, No. 176, to prescribe how city constables shall be elected in the city of Knoxville.

On motion of Mr. Wheeler,

Said bill was indefinitely postponed.

The house took up, A bill from the senate, No. 179, to authorise the county court of Morgan and Fentress counties to appoint commissioners on Scott's turnpike road leading through said county.

Said bill, on motion of Mr. Brooks, was indefinitely postponed.

The House took up, A bill from the Senate, No. 177, to authorise Aaron Higginbotham and David Rankin to extend and keep in repair Higginbotham's turnpike road across Cumberland mountain.

Mr. Rodgers offered an amendment constituting the third section to the bill; which amendment was adopted.

Said bill as amended was then read a third time and passed.

Ordered that the clerk acquaint the senate therewith.

The house took up a bill from the Senate, No. 19, to prevent frivolous and malicious prosecutions.

Mr. Rodgers moved to amend the bill by striking out all to the last section; which amendment was adopted.

Said bill was then read a third time, and the question being taken, shall the bill pass, it was determined in the affirmative, yeas 51, nays 10.

Those who voted in the affirmative are,

Messrs. Anderson, Avery, Black, Bledsoe, Bobo, Boddie, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Eubank, Farquharson, Fisher, Garner, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lenoir, McGinnis, Marr, Miller of Marshall, Milligan, Moorman, Morrow, Nave, Rawlings, Richardson, Rodgers, Sherrill, Trice, Trott, Turney, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Burrus, Glenn, Goode, Lauderdale, Maury, Moores, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill from the Senate No. 182, prescribing the duties of the directors of the principal Bank of Tennessee, in appointing directors of the Branch Banks and for other purposes.

Mr. Boddie offered the following amendment constituting the 3d section of the bill.

Sec. 3. Be it enacted, that the first and second provisions of the second section of the act passed the 16th day of January, 1844, entitled an act to amend an act entitled "An act to create a bank and raise a fund for Internal Improvement, and establish a system of education," and the act supplemental thereto, together with the proviso to the third section to said act, be, and the same are hereby repealed.

Provided that the principal bank shall not have power to withdraw from its branches more of their exchange fund than shall be sufficient to enable said principal bank to pay the interest upon the State bonds,

and which shall be withdrawn in equal proportions from the branches respectively as near as practicable; which amendment was adopted.

Mr. Avery moved to amend the bill by striking out the 4th section, which relates to the establishment of a branch of the Farmer's and Merchant's Bank of Memphis, at Chattanooga; which amendment was rejected.

Mr. Black moved to amend said bill by striking out the first and second sections.

Mr. Williams moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put, and was determined in the affirmative, yeas 33, nays 29.

The ayes and nays, No. 525, being called for by Mr. Black and ordered by the House, those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cross of Madison, Duggan, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Miller of Hardeman, Moores, Mootman, Morrow, Nave, Rawlings, Richardson, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Black, Bobo, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, McGinnis, Marr, Miller of Marshall, Milligan, Trott, Turner, Turney, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

So the House determined the main question should be taken.

The main question was then taken, shall the bill pass? and was determined in the affirmative, yeas 30, nays 29.

Those who voted in the affirmative are,

Messrs. Boddie, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cross of Madison, Duggan, Goode, Hamilton, Hodsden, Humphreys, Jourdan, Lenoir, Maury, Moores, Mootman, Morrow, Nave, Rawlings, Richardson, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Avery, Black, Bledsoe, Cherry, Cross of Sullivan, Crouch, Deavenport, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Ordered that the clerk transmit a message to the Senate requesting the retransmission to this house, "A bill of the Senate, No. 118, to change the times of holding the Supreme court at Knoxville.

The House took up a bill from the Senate, No. 191, to make a more just distribution of the estate of intestates, and for other purposes.

On motion of Mr. Gordon,

Said bill was amended after the word "entitled," with the words "after the payment of all just debts."

Said bill as amended, was then read a third time.

And the question being taken, shall the bill pass, it was determined in the affirmative, yeas 34, nays 28.

Those who voted in the affirmative are,

Members. Anderson, Arey, Black, Bond, Brooks, Burrus, Carson, Cheatham, Cross of Madison, Duggan, Glenn, Goode, Gordon, Hampton, Holsden, Houston, Jourdan, Lauderdale, Maury, Miller of Marshall, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Trice, Trimble, Troit, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Members. Bledsoe, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Dearnsport, Eubank, Farquharson, Fisher, Glenn, Hord, Huddleston, Hughes, Humphreys, Kinney, Lenoir, McGinnis, Marr, Miller of Hardeman, Milligan, Moorman, Sherrill, Turner, Turney, Walker of Hickman, Wann, and Wyley.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Coel, their clerk:

MR. SPEAKER: The Senate have read a third time and passed with amendment thereto, a bill from the House, No. 289, to change and render more efficient the management of the Lunatic Asylum.

Which is herewith transmitted and the concurrence of the House in said amendment is requested.

The Senate have taken up and considered the amendment of the House to a bill from the Senate, No. 152, to authorize Andy Harrison and Thomas Gardner, to open and keep in repair, a turnpike road across Cum erland mountain, and have concurred therein, with an amendment, and the concurrence of the House in said amendment is requested; the Senate have taken up and considered the amendment of the House to a bill from the Senate, No. 181, to prevent frivolous and malicious prosecutions; and have non-concurred in said amendment, in obedience to an order of the Senate and at the request of a message from the House, I herewith transmit a bill from the Senate, No. 110, to change the time of holding the Supreme Court at Knoxville.

The House took up said bill, and the same was amended and ordered to be transmitted to the Senate.

The House took up a bill from the Senate, No. 184, to attach a portion of the South Western Territory of the county of Morgan, to the county of Putnam.

Said bill was then read a third time and rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 193, to incorporate the Richland turnpike company.

Mr. Maury offered an amendment, which provides that the toll gate nearest Nashville, shall only charge those coming in by the Campton road half toll.

Mr. Walker of Hickman offered an amendment to the first section as a proviso which is as follows:

Provided, That said road shall be graded and maintained in like manner across Ednyridge, or the Back Bone Ridge, and shall be graded the entire route at the same degree at which the Franklin Turnpike road is graded, which amendment was adopted.

Mr. Miller of Hardeman moved the "previous question?" which being seconded by a majority of all the members present; the question was then taken 'shall the main question be now put?' which was determined in the affirmative.

The main question was then put: 'shall the bill pass?' it was determined in the affirmative, yeas 41, nays, 18.

The ayes and nays No. 537, being called for by Mr Walker of Williamson, and ordered by the House, those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Boddie, Cheatham, Cherry, Cross of Madison, Crouch, Fisher, Garner, Glenn, Gordon, Hamilton, Hodsden, Hord, Houston, Huddleston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, Lenoir, Marr, Miller of Marshall, Milligan, Moores, Moorman, Morrow, Nave, Rodgers, Sherrill, Trice, Trott, Turner, Tyler, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Wyley.

Those who voted in the negative are,

Messrs. Avery, Brooks, Burrus, Carson, Deavenport, Duggan, Edwards, Farquharson, Goode, McGinnis, Maury, Miller of Marshall, Rawlings, Richardson, Trimble, Turney, Williams, and Mr. Speaker Barringer.

So said passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Walker of Williamson moved a reconsideration of the vote just taken on the passage of said bill.

Pending the discussion of said motion,

The House then adjourned.

TUESDAY, 30th JANUARY, 1844.

The House met pursuant to adjournment; and the consideration of the motion pending, when the House adjourned on last evening.

Mr. Goodall moved the previous question; which being seconded a majority of all the members present, the question was then taken 'shall the main question be now put?' which being determined in the affirmative.

The main question was then taken, 'will the House reconsider said vote?' and was determined in the negative, yeas 28, nays 41.

The ayes and nays, No. 528, being called for by Mr. Walker of Williamson, and ordered by the House, those who voted in the affirmative are.

Messrs. Anderson, Black, Bledsoe, Bobo, Brooks, Burrus, Crudup, Deavenport, Dearing, Duggan, Eubank, Garner, Goode, Hord, Humphreys, Lenoir, Maury, Miller of Marshall, Morris, Nave, Richardson, Roach, Rodgers, Trice, Trimble, Turney, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Alexander, Avery, Boddie, Bond, Bone, Carson, Cheatham, Cherry, Cleaveland, Cross of Madison, Cross of Sullivan, Crouch, Edwards, Fisher, Glenn, Goodall, Gordon, Hamilton, Hodsden, Houston, Hughes, Jourdan, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Milligan, Moores, Moorman, Morrow, Polk, Rawlings, Scott, Sherrill, Trott, Turner, Walker of Hickman, Wann, Wyley, and Mr. Speaker Barringer.

So the House refused to reconsider said vote.

Mr. Miller of Hardeman from the Committee on Judiciary to which had been referred a bill from the Senate, No. 81, to reduce the costs chargeable to the State in criminal prosecutions, reported that in as much as bills with similar provisions, having been acted on by this House, the committee recommended that it be laid on the table; which report was concurred in by the House and said bill was ordered to the table.

Mr. Miller of Hardeman from the same committee to which had been referred a bill from the Senate, No. 91, to amend the laws of costs of criminal prosecutions; and to diminish the same when chargeable to the State or county.

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der consideration, and had instructed him to report said bill with sundry amendments, and with said amendments recommend the passage thereof; which is as follows: strike out in the seventh line of the first section, the words "and books not exceeding \$25 in value," and insert one Bible and Hymn Book—strike out in the ninth line "ten bushels of wheat"—strike out in the twelfth line "ten bushels of corn"—strike out all of the proviso; which report of the committee was concurred in, and said amendments were adopted.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill from the Senate, No. 196, to amend the charter of the Sycamore Manufacturing Company, passed on the 5th day of February, 1832, chapter 128.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill from the Senate, No. 202, for the relief of persons who may hereafter pay to the clerks of the county court for license authorising them to sell goods, wares and merchandize in the State, or any other privileges.

Said bill was then read a third time.

And the question being taken, shall the bill pass? it was determined in the affirmative, yeas 11, nays 49

Those who voted in the negative are,

Messrs. Alexander, Deavenport, Hord, Hughes, Humphreys Lenoir, Sherrill, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Black, Bledscoe, Bobo, Bond, Bone, Burrus, Carson, Cheatham, Cherry, Cleveland, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Dearing, Eubank, Farquharson, Fisher, Garner, Goodall, Goode, Gordon, Hamilton, Hodsdon, Houston, Huddleston, Kinney, Lauderdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Trice, Trimble, Trott, Turner, Walker of Hickman, Walker of Williamson, Wann, and Wyley.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The house took up "A bill from the Senate, No. 203, to regulate the practice in the supreme court at Nashville."

Mr. Miller of Hardeman, moved that said bill be indefinitely postponed; which motion was agreed to by the House.

The house took up "A bill from the Senate No. 204, for the collection of the dividends of the State on her stock in Internal Improvements."

Said bill was then read a third time.

Mr. Bond moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, shall the main question be now put which being determined in the affirmative, the main question was then put shall the bill pass? and was determined in the affirmative, yeas the county.

Boundary line voted in the affirmative are,

Messrs. Avery, Boddie, Bond, Brooks, Burrus, Carson, Cheatham, Cleveland, Cross of Madison, Dearing, Duggan, Goode, Hamilton, Hodsden, Houston, Humphreys, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trumble, Tyler, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Elack, Bledsoe, Bobb, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Garne, Glenn, Goodall, Gordon, Hord, Hughes, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Trott, Turney, Walker of Hickman, Wann, Williams, and Wyby.

Said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Bond, from the Committee on Enrolled Bills, reported as truly enrolled, the following bills: An act to amend the charter of the Pelham and Jasper turnpike company—An act more effectually to provide against the defalcation of the public officers of the State; and an act to amend the laws to improve the navigation of the rivers in the West District.

The Speaker of this House thereupon signed said enrolled bills.

Ordered that the clerk transmit the same to the Senate, for the signature of the Speaker thereof.

The House took up the amendments of the Senate to the amendments of the House to A bill from the Senate, No. 175, to defray the expenses of the present General Assembly, with a report of the joint committee on Finance, which is a part of this bill, and have concurred in the first amendment.

The Senate's second amendment proposes to fill the blank in the 1st section with \$732, as compensation to Jacob A. Lane, 2nd assistant clerk of the Senate.

And the question being taken on agreeing to said 2nd amendment, it was determined in the affirmative, yeas 28, nays 26.

The yeas and nays, No. 513, being called for by Mr. Black, and ordered by the House,

Those who voted in the affirmative are,

Messrs. Avery, Bledsoe, Bobb, Boddie, Bone, Cheatham, Cross of Madison, Dearing, Farquharson, Glenn, Goodall, Hodsden, Hord, Houston, Hughes, Humphreys, Jourdan, Lauderdale, Lenoir, Miller of Hardeman, Moores, Moorman, Nave, Roach, Rodgers, Sherrill, Trice, and Williams,

Those who voted in the negative are,

Messrs. Black, Bond, Burrus, Carson, Cherry, Cleveland, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Goode, Gordon, Hamilton, Kinney, McGinnis, Milligan, Morris, Richardson, Trott, Turney, Tyler, and Wann.

So the House concurred in said amendment.

Said amendment of the Senate was then further amended.

Ordered that the clerk acquaint the Senate therewith.

Mr. Hughes asked and obtained leave to withdraw from the files of the House, all papers in relation to the town commissioners of Benton in Polk county.

Ordered that the clerk retransmit to the Senate in obedience to a request, A bill, No. to change the county line dividing the counties of Giles and Marshall.

The House then adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Morrow submitted the following resolution, No. 194 :

Resolved, That the thanks of the House of Representatives are tendered to Daniel L. Farringer, for the efficient and faithful discharge of the arduous duties imposed upon him as the presiding officer of this House; which was read and laid on the table.

Mr. Gordon submitted the following resolution, No. 195:

Resolved by the General Assembly of the State of Tennessee, That the President of the Bank of Tennessee pay the checks of the Treasurer on a warrant of the Comptrollers issued to the members and officers of the present session of the General Assembly as compensation in defraying the expenses of the present session; which was read, rule suspended, and adopted.

Mr. Sherrill submitted the following resolution, No. 196:

Resolved by the General Assembly of the State of Tennessee, That the county of Morgan be and the same is hereby attached to branch district of the Bank of Tennessee at Sparta; the counties of Bledsoe and Morgan shall be entitled to have one director who shall be governed by the same rules, regulations, and restrictions as other directors in said institution.

Be it further resolved, that hereafter it shall be the duty of the President and directors of the branch of the bank of Tennessee at Athens, and they are hereby directed at the election of the debtors to said branch bank in taking notes in the renewal of the notes of the citizens of Morgan county, which may be payable to said branch bank, to make it payable and negotiable at the branch of said Bank of Tennessee at sparta, and said notes so taken shall be transferred to, and received by said branch bank at sparta, as so much circulation.

Be it further resolved, that nothing herein contained shall be so construed as to authorize or justify the president and directors of said branch bank at Athens, in making larger calls upon the notes of the citizens of Morgan county, or in making more rigid collections than said branch bank would have done if the county of Morgan had not been attached to the branch bank district at sparta; which was read, and the 59th rule being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the amendments of the House to Senate's bills of the following titles.—A bill, No. 177, to authorize Aaron Higgenbotham and David Raddin to extend and keep in repair Higgenbotham turnpike road across Cumberland mountain; and nonconcur in said amendment—A bill, No. 182, prescribing the duty of the directors of the principal Bank of the Bank of Tennessee in appointing directors of the branch Banks and for other

purposes, and have concurred in said amendment as amended by the senate and the concurrence of the House in said amendment is requested. The senate have taken up and rejected a bill from the House, No. 253, to alter the county line between the counties of Giles and Marshall; and the same is herewith transmitted. The senate have read a third time and passed without amendment a bill from the House, No. 235, to appoint commissioners to superintend the construction of the State house, to direct the labor of the Penitentiary to the erection of the same there; by save the people of the State from taxation; which is herewith transmitted and the concurrence of the House in said amendment is requested. The Senate have taken up and considered a resolution from the House, No. 195, directory to the president of the Bank of Tennessee, in relation to paying the expenses of the present session of the General Assembly; in which resolution the Senate concur, and the same is herewith transmitted.

The Speaker of the Senate has signed an enrolled bill of the Senate, entitled an act to change the time of holding certain circuit and chancery courts; which is herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of the Senate thereupon signed said enrolled bill.

Ordered that the clerk acquaint the Senate therewith.

Mr. Maury, from the Committee on Enrolled Bills and Resolutions, reported as truly enrolled an act to change and render more efficient the management of the Lunatic Asylum—A resolution directory to the president of the Bank of Tennessee, in relation to paying the expenses of the present General Assembly—A resolution in relation to the distribution of the proceeds of the sales of public lands.

The Speaker of this House thereupon signed said enrolled bill and resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the speaker thereof.

The House took up the amendments of the senate to a bill from the House, No. 289 to change and render more efficient the management of the Lunatic Asylum.

In which amendments of the senate the House severally concur.

Ordered that the clerk acquaint the senate therewith.

The House took up the amendment of the Senate to a bill from the House, No. 323, to establish a chancery court at Manchester, in the county of Coffee, and for other purposes.

On motion of Mr. Bobo,

The non-concurrence in Senate's first amendment, and the second, third, and fourth amendment was concurred in with an amendment to the second section.

Ordered that the clerk acquaint the Senate therewith.

The House took up the non-concurrence of the Senate to the amendment of the House to a bill from the Senate, No. 181, to prevent frivolous and malicious persecutions.

On motion of Mr. Williams,

The House adhered to their said amendment.

Ordered that the clerk acquaint the Senate therewith.

The house took up the non-concurrence of the Senate to a part of the amendment of the house, to a bill from the Senate, No. 118, to incorporate the Memphis Insurance Company.

On motion of Mr. Avery,

The house recede from that part of their said amendment as concurred in by the Senate.

The House took up the nonconcurrence of the Senate as an ended to a resolution, No. 142, instructing our Senators, and requesting our Representatives in Congress, to support the further reduction of the price of public land, and for other purposes; which amendment is in lieu of said resolution, and is as follows :

Resolved by the General Assembly of the State of Tennessee, That the Senators and Representatives of Tennessee in the Congress of the United States, be, and they are hereby requested to vote for the passage of a law which will provide for an equitable distribution of the proceeds of the sales of public lands amongst the several States of the Union; the title of said resolution was also amended.

Mr. Miller of Hardeman, moved the said resolution be laid on the table.

Mr. Goode moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put? and was determined in the affirmative.

Mr. Farquharson moved a call of the house.

And the question being taken, on agreeing to said motion, it was determined in the negative, yeas 24, nays, 30.

The ayes and nays, No. 544, being called for by Mr. Farquharson, and ordered by the house, those who voted in the affirmative are,

messrs. Anderson, Black, Bobo, Godlie, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hughes, Kinney, McGinnis, Miller of Marshall, Polk, Smart, Trice, Trott, and Wyley.

Those who voted in the negative are,

messrs. Alexander, Avery, Bledsoe, Bond, Bone, Burrus, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Dearing, Goodall, Goode, Hamilton, Humphreys, Jourdan, Miller of Hardeman, Moores, Moorman, Morris, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trimble, Tyler, Williams, and Mr. Speaker Barringer.

so the house determined there should be no call.

The main question was then taken, will the house concur in said amendment of the senate, and was determined in the affirmative, yeas 38, nays 35.

The ayes and nays, No. 545, being called for by Mr. Polk, and ordered by the House, those who voted in the affirmative are,

messrs. Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Cross of Madison, Crudup, Dearing, Goodall, Goode, Hamilton, Hadden, Humphreys, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Morrow, Nave, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Hughes, Kinney, Lanterdale, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, Wann, and Wyley.

So the house concurred in said amendment.

Ordered that the clerk acquaint the Senate therewith.

The House took up the Senate's amendment to the amendments of the House to a bill from the Senate, No. 153, to authorise Andley Harrison and Thomas Garner, to open and keep in repair a turnpike road across Cumberland mountain; in which amendment the Senate concurred.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the Senate to a bill from the House, No. 313; in which amendment the house concurred.

Ordered that the clerk acquaint the Senate therewith.

The House took up the report of the chairman of the joint select committee appointed to investigate the affairs of the Insurance companies in this State with accompanying resolutions; which report was concurred in and resolutions adopted.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the Senate to a bill from the House, No. 291, to establish a chancery court at Athens, in the county of Marion, and for other purposes, and the House concurred in said amendment.

The House took up the concurrence of the Senate to the amendment of the House as amended by the Senate, to a bill from the Senate, No. 167, to incorporate the Mechanics Library Association of Nashville, and other places; and the House concurred in said amendments of the Senate.

Ordered that the clerk acquaint the Senate therewith.

Ordered that a message be transmitted to the senate requesting the retransmission to this house of a resolution from the senate, No. 192, directory to the job printers of this General Assembly, in relation to the printing of the caption of the acts and resolutions of the present session of the Legislature; which resolution was received by Mr. Coke, their clerk.

Mr. Farquharson moved a reconsideration of the vote of the House taken on Saturday last, nonconcurring in the amendment of the senate in said resolution.

And the question being taken on agreeing to said motion, it was determined in the affirmative, yeas 36, nays 27.

The ayes and nays, No. 546, being called for Mr. Walker of Williamson, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Anderson, Bledsoe, Bobo, Boddie, Cherry, Cross of Sullivan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Houston, Huddleston, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave,

Polk, Rodgers, Scott, Sherrill, Smart, Trimble, Turney, Walker of Hickman, Williams, and Wyley

Those who voted in the negative are,

Messrs. Bond, Bone, Brooks, Burrus, Cheatham, Cleaveland, Cross of Madison, Crudup, Dearing, Goode, Hamilton, Hodsden, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Richardson, Roach, Trice, Trott, Turner, Tyler, Walker of Williamson, Wheeler, and Speaker Barringer.

So the House reconsidered said vote.

Mr Maury moved to amend said amendment by the following: "that Hon. A. & Cameron, of Franklin, having been the lowest bidders, of those who put in sealed proposals for the printing of the laws and journals and of the reports of the decisions of the supreme court be and they hereby appointed printers of the same for the next four years.

Mr Miller of Hardeman moved the previous question, which being seconded by a majority of all the members present; the question was then taken, shall the main question be now put, which being determined in the affirmative, the main question was then taken on concurring in the amendment of the Senate, and was determined in the affirmative, yeas 35, nays 28.

The yeas and nays, No 547, being called for by Mr. Walker of Williamson, and ordered by the house, those who voted in the affirmative are,

Messrs. Alexander, Anderson, Babo, Boddie, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Houson, Hughes, Kinney, McGinnis, Marr, Miller of Hardeman, Miller of Marshall, Milligan, Nave, Polk, Rodgers, Scott, Sherrill, Smart, Trott, Turner, Turney, Walker of Hickman, and Wyley.

Those who voted in the negative are,

Messrs. Black, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Cross of Madison, Duggan, Goodall, Goode, Hamilton, Hodsden, Jourdan, Lenoir, Maury, Moores, Moorman, Morris, Richardson, Roach, Trice, Tyler, Walker of Williamson, Wheeler, and Mr. Speaker Barringer.

So the House concurred in said amendment of the Senate.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the Senate to a bill, No. 235, to appoint commissioners to superintend the erection of the State house, to direct the labor of the Penitentiary to the erection of the same and thereby save the people of the State from taxation; in which amendments the house severally concurred.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendment of the house as amended by the Senate to a bill from the Senate, No. 182, to prescribe the duties of directors of the principal Bank of the Bank of Tennessee in appointing directors of the Branch Banks, and for other purposes, which amendments of the Senate to house amendments were concurred in.

Ordered that the clerk acquaint the Senate therewith.

The House took up the nonconcurrence of the senate in the amend-

ment of the House to a bill from the Senate, No. 177, to authorize Aaron Higginbotham and David Franklin to extend and keep in repair Higginbotham turnpike road across Cumberland mountain, and the House on further consideration recede from their first amendment and insist on their second amendment.

Ordered that the clerk acquaint the senate therewith.

A message from the senate by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate concur in the amendment of the House to Senate's bill entitled, A bill to incorporate the Richland turnpike company; they also concur in the report of the committee of conference on the disagreement of the House to the amendment of the House to, A bill from the Senate, No. 24, to exempt from execution five head of sheep on the contingencies therein specified. The Senate also concur in the amendment of the House to Senate's amendment to, A bill from the Senate, No. 175, to defray the expenses of the present General Assembly with a report of the Joint Committee on Finance, which is made part of the bill. The senate have taken up and adopted, A resolution, No. 119, proposing to meet in the Representative hall to elect a Physician for the Lunatic Asylum; which is herewith transmitted for the concurrence of the House of Representatives. The Senate have taken up and rejected, A bill from the House, No. 249, to incorporate the Nashville Dam and Lock Company; and the same is herewith transmitted. The Senate have taken up and considered the nonconcurrence in the first, and concurrence in the second and third amended amendments of the House to Senate's amendment to, A bill, No. 323, to establish a chancery court at Manchester, in the county of Coffee, and for other purposes; and the Senate upon further consideration adhere to its first amendment, and concur in the amendment of the House to the second amendment of the Senate, and the same is herewith transmitted. The Senate have taken up the adherence of the House to their amendment to, A bill from the Senate, No. 181, to prevent frivolous and malicious prosecutions; and upon further consideration the senate adhere to their nonconcurrence to said bill. The Speaker of the senate has signed the following Enrolled Bills and resolutions from the House: an act to compel the commissioners of Polk county to report and pay over the moneys in their hands—An act to establish a chancery court at Athens, in the county of Meigs, and for other purposes—A resolution in relation to the distribution of the proceeds of the sales of the public lands—A resolution directory to the President of the Bank of Tennessee, in relation to defraying the expenses of the present General Assembly.

Which enrolled bills and resolutions are herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

The House took up A bill from the Senate, No. 132, more effectually to enable creditors of deceased persons to collect their debts out of the real estate of such deceased person.

Mr. Williams offered an amendment to said bill, which provides for the repeal of an act passed 19th Feb. 1836, entitled "an act to provide for the publication of the laws and journals, and for other purposes,

and also provides for the election of a Public printer or printers by the joint vote of the two Houses, which amendment was adopted.

Said bill, as amended, was then read a third time.

And the question being taken, shall the bill pass? it was determined in the negative, yeas 24, nays 38.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bobo, Burrus, Goodall, Goode, Gordon, Hodsdon, Houston, Humphreys, Lauderdale, Lenoir, Moores, Morris, Morrow, Nave, Rawlings, Richardson, Rodgers, Sherrill, Trimble, Trot, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Avery, Bledsoe, Boddie, Bond, Bone, Brooks, Cheatham, Cherry, Cleaveland, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Eubank, Fairquharson, Fisher, Garner, Glenn Hamilton, Hord, Hughes, Jourdan, Kinney, McGinnis, Miller of Hardeman, Milligan, Moorman, Roach, Scott, Smart, Turner, Turney, Tyler, Walker of Hickman, and Wana.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No. 203, for the relief of sheriffs in certain cases.

Mr. Nave offered an amendment; which provides that county courts of any county in this State, to receive good bar iron, delivered at the county seat, shall be received in payment for all taxes collected for county purposes.

So said amendment was adopted.

Said bill as amended was then read a third time.

The question was then taken "shall the bill pass?" it was determined in the affirmative, yeas, 43, nays 11.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Bledsoe, Boddie, Bond, Bone, Burrus, Cross of Sullivan, Crouch, Crudup, Deavenport, Duggan, Edwards, Fairquharson, Fisher, Glenn, Goodall, Goode, Gordon, Hamilton, Hodsdon, Hord, Houston, Hughes, Humphreys, Jourdan, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Moores, Morris, Morrow, Nave, Richardson, Roach, Rodgers, Scott, Sherrill, Smart, Trot, Wana, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bobo, Brooks, Cheatham, Cherry, Cleaveland, Eubank, Garner, Moorman, Turvey, Tyler, and Walker of Hickman.

So said bill passed on its third and last reading in this house.

Ordered that the clerk acquaint the Senate therewith.

The house took up a resolution from the Senate No. 119, which is as follows:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the house of Representatives in their hall of the latter, this day at 7 o'clock, P. M., for the purpose of electing a Physician to the Lunatic Assylum.

Which was read and concurred in by the house.

Ordered that the clerk acquaint the Senate therewith.

The house took up a bill from the Senate, No. 237, to amend the criminal law of this State, in relation to trial and punishment of accessories.

Mr. Morris offered the following amendment.

Be it further enacted, That if any person or persons, shall by express malice commit any assault and battery, with intent to commit murder and robbery, such person on conviction by presentment or indictment, shall undergo close confinement in the Penitentiary for life, and if any person shall commit one assault and battery, with intent to commit robbery such person on conviction thereof shall be confined in the jail and Penitentiary house established in this State for a period of not less than five, nor more than twenty one years, which amendment was rejected.

The House took up a bill from the Senate, No. 214, to incorporate the Fort Pickering Dry-Dock company.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The house then adjourned.

NIGHT SESSION.

The house met pursuant to adjournment.

Mr. Gordon asked and obtained leave to withdraw from the files of the house, petitions in relation to the establishment of the county of Lewis.

Mr. Bond asked and obtained leave to withdraw from the files of the house, a petition from sundry citizens in relation to renumeration owners of slaves capitally punished, and sundry petitions from the citizens of Haywood county, in relation to the chartering of a turnpike road across Hatchee river and protesting against the same.

The house took up a bill from the senate, No. 237, to amend the criminal laws of this state, in relation to the trial and punishment of accessories.

said bill was then read a third time,

And the question being taken, shall the bill pass? it was determined in the negative; yeas 18, nays 55.

Those who voted in the affirmative are,

messrs. Anderson, Black, Boddie, Brooks, Coggin, Hamilton, Hodges, Houston, Humphreys, Jourdan, Rawlings, Roach, Rodgers, Sherrill, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Bledsoe, Bobo, Bond, Bone, Burras, Carson, Cheatham, Cherry, Cross of madison, Cross of Sullivan, Crouch, Crutcher, Deavenport, Duggan, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Goodall, Goode, Gordon, Hord, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of hardeman, Miller of marshall, Milligan, Moores, Moorman, Morris, Morrow, Pok, Richardson, Scott, Trimble, Trice, Trott, Turner, Walker of Williamron, Wann, and Wheeler.

So said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

On motion of Mr Brooks,

Ordered that the clerk transmit a message to the Senate, requesting the retransmission to this House, "A bill from the Senate, No. 153."

The House took up a bill from the Senate, No. 210, to authorise the Governor to surrender the interest in the Hiwassee Railroad, and in the Lagrange and Memphis Railroad, together with a branch from Sommerville to Moscow.

Mr. Anderson offered the following amendment:

Be it enacted, That the Governor is hereby directed to issue to the

President of the Hiwassee Railroad, the amount of bonds shown to be due to said company, according to the report of the Hiwassee Railroad commissioners, appointed to examine the work done on said Railroad, and the amount of payment made by the stockholders of said company, provided that said bonds shall not be issued, unless the injunction now pending in the chancery courts in regard to the issue of said bonds be dissolved; which was rejected.

Said bill was then read a third time.

And the question being taken, shall the bill pass? it was determined in the negative, yeas 16, nays 48.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery Carson, Fisher, Houston, Houston, Hughes, Humphreys, Nave, Rodgers, Sherrill, Trumb Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Black, Bladsor, Bobo, Boddie, Bone, Brooks, Burrus, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crudup, Deavenport, Dugger, Eubank, Edwards, Fairquharson, Garner, Glenn, Goodall, Goode, Oordon, Hamilton, Jourdan, Kinney, Lauderdale, Lenoir, McGinnis, Maury, Miller of Hardeman, Miller of Marshall, Moores, Moorman, Morris, Morrow, Polk, Rawlings, Richardson, Roach, Sherrill, Trice, Trott, Turner, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So said bill was rejected.

Ordered that the clerk acquaint the senate therewith.

A message from the senate by Mr. Cocke, their clerk:

MR. SPEAKER! The senate have taken up the amendment of the House nonconcurrent in by the senate and adhered to by the House to a bill from the senate, No. 183, to change the name of Jackson Perry Bocoek and John Russell Brown, and the senate upon further consideration do adhere to their nonconcurrence. The senate have taken up and considered the amendment of the House to a bill from the senate, No. 208, for the relief of sheriffs, and the senate concur in said amendment.

The Senate have read a third time and adopted a bill from the House, No. 260, to promote the settlement and improvement of the State by enobling aliens to purchase and hold real estate; and the same is herewith transmitted.

The senate have taken up and considered a resolution from the House No. 196, to attach Morgan county to the Bank district of the Branch Bank of Tennessee, at Sparta; and the senate concur therein, and the same is herewith transmitted.

The senate have taken up the amendment of the House to a bill from the senate, No. 117, to authorise Aaron Higginbotham and David Rankin to extend and keep in repair Higginbothams turnpike road across Cumberland mountain; and upon further consideration the senate adhered to their nonconcurrence.

The House took up a bill from the senate No. 215, to authorise the issuance of bonds to the Lebanon and sparta turnpike company.

Mr. Hodsdon moved the previous question, which being seconded by a majority of all the members present,

The question was then taken, shall the main question be now put and being determined in the affirmative;

The question was then put, shall the bill pass? and was determined in the negative; yeas 15, nays 55.

Those who voted in the affirmative are,

Messrs. Anderson, Boddie, Brooks, Coggin, Hamilton, Houston, Hodsden, Humphreys, Jourdan, Rawlings, Roach, Rodgers, Sherrill, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Black, Bledsoe, Bobo, Bond, Bone, Carson, Cheatham, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Crudup, Duggan, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Gordon, Goodall, Goode, Hord, Huddleston, Hughes, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Maury, Miller of Marshall, Miller of Hardeman, Moorman, Morrow, Milligan, Moores, Nave, Polk, Richardson, Scott, Trice, Trimble, Turner, Turney, Tyler, Walker of Hickman, Walker of Williamson, Wann, and Wheeler,

So said bill was rejected.

Mr. Goode, from the Committee on Enrolled Bills, reported as truly enrolled, a resolution in relation to printing the caption of the acts and resolutions of the present session of the Legislature, and the printing and publication of the reports of the decisions of the supreme courts, and for other purposes.

The speaker of the senate thereupon signed said enrolled resolution

Ordered that the clerk transmit the same to the senate for the signature of the speaker thereof.

CONVENTION OF THE TWO HOUSES.

The two Houses of the General Assembly met in convention so in obedience to a joint resolution adopted by both houses, and proceeded to the election of a Physician for the Lunatic Asylum for the ensuing two years

The convention thereupon proceeded to take the vote of the two houses viva voce in said election: Messrs. John S. McNairy and Wm. P. Sales being in nomination as candidates for said office.

The vote of the House of Representatives being taken viva voce in said election, the result of said vote is as follows:

FOR MR. McNAIRY:

Messrs. Alexander, Bobo, Boddie, Bond, Cherry, Coggin, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Duggan, Edwards, Eubank, Fisher, Garner, Glenn, Good, Gordon, Hord, Houston, Huddleston, Humphreys, Jourdan, Kinney, Lauderdale, Marr, McGinnis, Miller of Hardeman, Miller of Marshall, Milligan, Moores, Moorman, Marr, Polk, Rawlings, Scott, Sherrill, Trice, Trimble, Trott, Turner, Walker of Hickman, Wann, and Wheeler, 45 votes.

FOR MR. SALES:

Messrs. Anderson, Bledsoe, Bone, Brooks, Burrus, Carson, Cheatham, Crudup, Farquharson, Goodall, Hamilton, Hodsden, Hughes, Lenoir, Maury, Morris, Morrow, Richardson, Roach, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer, 27 votes.

It being reported to the convention by Mr. Cocke, clerk of the

Senate, that the result of the vote of the Senate in said election was, for McNairy 17 votes; and for Sails 7 votes.

And it appearing that McNairy, had received a majority of all the votes given by both houses in said election.

The Speaker of the senate declared that John S. McNairy, of Davidson county, was duly and constitutionally elected Physician for the Lunatic Asylum, for the ensuing two years.

The business that brought the two Houses together, being disposed of, the Speaker and gentlemen of the senate withdrew from the Representative hall, and resumed its session.

Mr. Williams moved a reconsideration of the vote of the House taken this day, concurring in the amendments of the Senate to "A bill from the Senate, No. 153.

Which motion to reconsider, was agreed to by the House.

Mr. Brooks offered an amendment constituting an additional section to the bill, which amendment was adopted.

Mr. Gordon moved the 'previous question,' which being seconded, by a majority of all the members present, the main question was then put 'shall the main question be now taken?' which being determined in the affirmative; said bill as amended was then read a third time and passed.

The House took up a bill from the senate, No. 176, to regulate the government of the Penitentiary.

Mr. Polk, moved to amend said bill by striking out of the third section all that appertains to the infliction of "corporal punishment."

Mr. Farquharson moved the 'previous question,' which being seconded by a majority of all the members present; the question was then taken 'shall the main question be now put?' which was determined in the affirmative.

The main question was then taken 'shall the bill pass?' and was determined in the affirmative, yeas 40, nays 26.

Those who voted in the affirmative are,

Messrs. Alexander, Anderson, Avery, Black, Boddie, Bone, Bond Barrus, Carson, Cheatham, Cherry, Cross of Sullivan, Crouch, Devenport, Duggan, Edwards, Farquharson, Fisher, Goodall, Goode, Hamilton, Hodsden, Jourdan Maury, Milligan, Moores, Norman, Nave, Polk, Rawlings, Richardson, Roach, Rodgers, Scott, Sherill, Trimble, Turner, Turney, Tyler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Bledsoe, Bobb, Brooks, Cross of Madison, Crudup, Eubank, Garner, Glenn, Gordon, Hard, Houston, Haddleston, Humphreys, Kinney, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Morrow, Trice, Trott, Walker of Hickman, Walker of Williamson, Wann, Wheeler, and Williams.

So said bill passed on its third and last reading in this House.

Ordered that the clerk acquaint the senate therewith.

The House took up a bill from the senate, No. 219, to incorporate the town of Woodbury, in the county of Cannon, to change the time of electing altermen in the town of Lebanon, and to revive the several acts chartering a turnpike road from McMinnville, in the county of Warren, to millersboro' in the county of Rutherford, by way of Woodbury, and for other purposes.

Mr. Brooks offered an amendment to said bill constituting the seventh section.

Mr. Trott moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, "shall the main question be now put?" which being determined in the affirmative.

The bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No. 217, to authorise Thomas Mabry of Warren county to open a turnpike road.

Mr. Brooks offered an amendment to said bill constituting an additional section, which provides that when any turnpike company in which the State is a stockholder shall be unable by private contract to purchase places for gates, it may be lawful for them to apply to the Court for a jury to assess the damages occasioned by such location, which shall be paid by said company, each party being entitled to an appeal.

And the question being taken on agreeing to said amendment, it was determined in the negative, yeas 27, nays 32.

The yeas and nays No. 534, being called for by Mr. Walker of Williamson, and ordered by the House, those who voted in the affirmative are,

Messrs. Boddie, Brooks, Carson, Cheatham, Cross of Sullivan, Duggan, Farquharson, Fisher, Glenn, Goodall, Goode, Hamilton, Hodsdon, Hord, Houston, Humphreys, Jourdan, Kinney, Moores, Rawlings, Rodgers, Trice, Trott, Tyler, Wheeler, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Bobo, Bond, Bone, Burrus, Cherry, Cross of Madison, Crouch, Deavenport, Edwards, Eubank, Garner, Gordon, Huddleston, Lauderdale, Lenoir, McGinnis, Marr, Miller of Marshall, Morrow, Nave, Richardson, Roach, Trimble, Turner, Turney, Walker of Hickman, Walker of Williamson, and Wann.

So said amendment was rejected.

Mr. Rodgers offered an amendment constituting the section to the bills which amendment was adopted.

Said bill as amended was then read a third time and passed.

The House took up the amendments of the House nonconcurring in by the Senate to the following bills of the Senate: A bill, No. 298, for the relief of Sheriffs—A bill, No. 133, to change the name of Jackson Perry Bocock; in which amendments, upon further consideration the House recede.

Ordered that the clerk acquaint the Senate therewith.

The House took up and again considered the amendment in which the Senate adhere to their said amendment of the House nonconcurring in. A bill from the Senate, No. 177, to authorise Aaron Higginbotham and Bankin to extend and keep in repair Higginbotham's turnpike on Cumberland Mountain.

A Committee of Conference to take into consideration the disagreement of the two Houses in said amendment of the House, was appointed by the Chair consisting of Messrs. Trott, Rodgers, and Brooks on the part of the House.

Ordered that the clerk acquaint the Senate therewith.

The House took up the amendments of the House in which the Senate adhere in their nonconcurrence to the following bills: A bill of the House to establish a chancery court at Manchester, in the county of Coffee, and for other purposes; and A bill from the Senate, No. 181, to prevent frivolous and malicious prosecutions; and the House adhere to their several amendments to said bills.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No. 220, to change the times of holding the circuit courts in Maury and Marshall counties, and for other purposes.

Mr. Black moved to strike out the first section of the bill, which motion was agreed to by the House.

Said bill as amended was then read a third time and passed.

The title of the bill was so amended as to read, A bill to attach Lewis county to the Chancery District of Maury county.

Ordered that the clerk acquaint the Senate therewith.

The House took up, A bill from the Senate, No. 22, for the benefit of James W. Netherland, James Berry, and Alexander H. Keith, commissioners appointed by the Governor to perform certain duties under an act of Assembly passed January 25th, 1840.

The Speaker declared said bill out of order, in as much as a bill of the same substance had been rejected by the House, from which decision of the Chair Mr. Hodsden took an appeal to the House, and the question being taken, shall the decision of the Chair stand as the order of the House, it was determined in the affirmative; so said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's bills of the following titles:—A bill, No. 224, supplemental to an act entitled an act, for the relief of certain purchasers and assignees of purchasers of reservations in the Hiwassee District, passed on the 29th January, 1840, chapter 130, and—A bill, No. 233, to amend the 4th section of the act passed 2d January, 1835, chapter 1; which bills were severally read a third time and indefinitely postponed.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate No. 225, to incorporate Franklin College; said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up Senate's bill entitled—A bill, No. 226, to charter the Stone's River Turnpike Company.

Mr. Boddie offered an amendment constituting the 8th section to the bill, which is as follows:

Section 8. *Be it enacted*, That nothing contained in an act entitled an act, to repeal all laws authorising the Governor of this State to subscribe for stock in any Internal Improvement Companies in behalf of the State, and for other purposes, passed on the 25th January, 1840, shall be so construed, to prevent the Governor from subscribing for stock on behalf of the State, for the extension of the Gallatin and Cumberland turnpike from Cumberland river to the Lebanon and Nashville Turnpike road, in accordance with the seventh section

of the act incorporating the Gallatin and Cumberland Turnpike Company, passed 16th January, 1838.

Mr. Goodall moved the 'previous question;' which being seconded by a majority of all the members present.

The question was then taken 'shall the main question be now put?' it was determined in the affirmative, yeas 36, nays 19.

The ayes nays No. 555, being called for by Mr. Boddie, and ordered by the House, those who voted in the affirmative are.

Messrs. Anderson, Black, Bledsoe, Bobo, Bond, Bone, Brooks, Carson, Cheatham, Cross of Madison, Crouch, Duggan, Edwards, Eubank, Goodall, Gordon, Hamilton, Hodsden, Humphreys, Kinney, Lenoir, M'Ginnis, Marr, Moores, Moorman, Morrow, Rawlings, Richardson, Roach, Trice, Trimble, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Cherry, Cross of Sullivan, Farquharson, Fisher, Garner, Goode, Houston, Hughes, Lauderdale, Miller of Marshall, Milligan, Nave, Rodgers, Turner, Turney, Walker of Hickman, Wann, and Mr. Speaker Barringer.

So the House determined that the main question should be taken.

Said bill was then read a third time and passed.

The House took up Senate bill entitled, a bill, No. 228, to amend the law in force on the subject of divorces.

Mr. Walker of Hickman offered the following amendment:

Be it enacted, That when any wife is compelled by brutal and severe treatment inflicted by her husband, or when he fails to provide means for her support, and she is compelled to abandon him, then and in that case any property which may descend to her, or of which she may become hereafter possessed, shall not be liable for any debts he may contract after such separation, nor shall he exercise or possess any power or control over property so received.

Mr. Brooks, moved the "previous question;" which being seconded by a majority of all the members present, the question was then taken "shall the question be now put;" which being determined in the affirmative.

The question was then taken "shall the bill pass?" and was determined in the negative, yeas 22, nays, 35. Those who voted in the affirmative are,

Messrs. Bobo, Boddie, Bond, Bone Brooks, Burrus, Carson, Cheatham, Duggan, Fisher, Garner, Hodsden, Moorman, Morrow. Nave. Rawlings, Roach, Trice, Turney Walker of Hickman, Wheeler, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Alexander, Anderson, Black, Bledsoe, Cherry, Cross of Madison, Cross of Sullivan, Deavenport, Edwards, Eubank, Goodall, Goode, Gordon, Hamilton, Hord, Houston, Hughes, Humphreys, Kinney, Lauderdale, Lenoir, M'Ginnis, Marr, Miller of Hardeman, Milligan, Moores, Richardson, Rodgers, Trimble, Turner, Walker of Williamson, Wann, Williams, and Wyley.

Said bill was rejected.

Ordered that the clerk acquaint the Senate therewith.

Mr. Walker of Hickman, who had withdrawn for amendment, A bill from Senate, No. 143, to repeal so much of an act chapter 28, section 28, passed May 28th, 1840, as allows the commissioners of common schools, to apply and receive money due and appropriated to their respective districts, read the same with an amendment in lieu of the whole bill from the enacting; which amendment was adopted.

Said bill as amended was then read a third time and passed.

The title of the bill was amended so as to read a bill to amend the common laws.

Ordered that the clerk acquaint the Senate therewith.

The House took up a bill from the Senate, No 231 to appoint commissioners to investigate the affairs of the respective Internal Improvement Companies in this State in which the State owns stock.

Mr. Farquarson moved to strike out the 'compensation allowed by land' and insert 'three dollars per day,' which amendment was adopted.

Mr. Farquarson offered an amendment constituting the second, third, and fourth sections to the bill, which sets forth into what particulars they shall require and report the manner of ascertaining such facts and that no commissioners shall receive pay for a longer time than one hundred and twenty years; which amendment were severally adopted.

Said bill as amended was then read a third time.

And the question being taken "shall the bill pass?" it was determined in the affirmative, yeas 30, nays 27.

Those who voted in the affirmative are,

Messrs. Anderson, Black, Bledsoe, Bobo, Bone, Brooks, Carson, Cheatham, Cherry, Cross of Madison, Crouch, Duggan, Edwards, Farquarson, Gordon, Hord, Hughes, Humphreys, Milligan, Moorman, Morrow, Rawlings, Roach, Rodgers, Trimble, Turney, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Boddie, Bond, Burrus, Cross of Sullivan, Deavenport, Eubank, Fisher, Garner, Glenn, Goodall, Goode, Hamilton, Hodsdon, Houston, Kinney, Lauderdale, Lenoir, McGinnis, Miller of Marshall, Moores, Nave, Richardson, Trice, Turner, Walker of Hickman, Wann, and Wyley.

So said bill passed on its third and last reading in this House.

The House took up "A bill from the Senate, No. 227, to build a bridge across Harpeth river," and for other purposes.

Mr. Trimble offered the following amendment: "That the people residing on or near the road in Davidson county, called the Mill creek road, and the same be, and are hereby authorised to pass through the gate on the Nolensville turnpike road, near Nashville, at half the rates of toll charged at said gate.

Mr. Burrus moved to amend said amendment, by adding all persons travelling the Mill creek road, shall pass in the same manner as above.

Mr. Black moved the previous question, which being seconded by a majority of all the members present, the question was then put, shall the main question be now taken, which being determined in the affirmative.

Said bill was then read a third time and passed.

Ordered that the clerk acquaint the Senate therewith.

The House took up "A bill from the Senate, No. 234, to provide for the election for clerk of the criminal court of Davidson county.

Said bill was then read a third time.

Mr. Lenoir moved the previous question, which being seconded by a majority of all the members present.

The question was then taken, shall the main question be now put? was determined in the affirmative.

The question was then taken, shall the bill pass? was determined in the negative, yeas 27, nays 30.

Those who voted in the affirmative are,

Messrs. Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Duggan, Fisher, Goode, Hamilton, Hodsdon, Houston, Lenoir, Miller of Hardeman, Moores, Moorman, Nave, Richardson, Roach, Rodgers, Trimble, Turner, Tyler, Walker of Williamson, Wheeler, and Williams.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cross of Madison, Cherry, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Garner, Goodall, Gordon, Hord, Hughes, Humphreys, Kinney, Lauderdale, McGinnis, Miller of Marshall, Milligan, Morrow, Rawlings, Turney, Walker of Hickman, Wann, Wyley, and Mr. Speaker Bairinger.

So said bill was rejected.

The house then adjourned.

WEDNESDAY, JANUARY 31st, 1844.

The House met pursuant to adjournment.

Mr. Walker of Hickman, submitted the following resolution, No. 197:

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be instructed to furnish the clerks of the county courts in this State, with a copy of all the revenue laws passed at the present session of the General Assembly, forthwith.

The 59th rule, requiring resolutions to lie one day being suspended, said resolution was read and adopted.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: The Senate have taken up and considered the report of the committee of conference on the disagreement of the two Houses, to a bill from the Senate, No. 177, to authorise Aaron Higginbotham to open and keep open Higgenbotham's turnpike road across Cumberland Mountain; in which report of the committee, the Senate concurred in with an amendment; and the same is herewith transmitted for the concurrence of the House of Representatives.

The House took up said bill and concurred in said report of the committee as amended by the Senate.

A message from the Senate by Mr. Cocke, their clerk:

MR. SPEAKER The Speaker of the Senate has signed the following enrolled bills and resolutions of the Senate:

"An act to amend the charter of the Sycamore Manufacturing company, passed on the 5th of February, 1842, chap. 128—An act to incorporate the Mechanics Library Association of Nashville, and for other purposes—An act to amend the law of costs of eriminal prosecutions and to diminish the same when chargeable to the State or county—An act prescribing the duty of the directors of the principal Bank of the Bank of Tennessee, in appointing directors of the Branch Banks, and for other purposes—An act to incorporate the Richland turnpike company—An act to exempt from execution certain articles of property therein specified—An act to tax goods sold at auction—An act to

establish the seat of justice of Putnam county—An act to incorporate the town of Woodbury, in the county of Cannon, and to change the time of electing Aldermen in the town of Lebanon, Wilson county and to revise the several acts chartering a turnpike road from McMinnville, in the county of Warren to Murfreesboro, in the county of Rutherford, by way of Woodbury, and for other purposes—An act to change the time of holding the Supreme Court at Knoxville—An act to provide for the collection of the dividends of the State on her stock in Internal Improvements, and for other purposes—An act to make a more just distribution of the estates of intestates, and for other purposes—An act to incorporate the Lebanon, Rome and Carthage turnpike company—An act to incorporate the Fort Pickering Dry Dock company—a resolution directory to the Attorney General—an act to defray the expenses of the General Assembly, with a report of the joint select committee on Finance, which is made a part of this bill—An act to regulate the government of the Penitentiary, and for other purposes—An act to refund the interest upon the common school fund improperly paid over under the act of 1837-'8—An act to amend the common school laws—An act to authorise Aaron Higginbotham and David Rankin to extend and keep in repair Higginbothams turnpike road across Cumberland mountain—An act to change the name of Jackson Perry Boone—An act for the relief of sheriffs—An act to charter Stones river turnpike company—An act to appoint commissioners to investigate the affairs of the respective Internal Improvement companies in this State in which the State owns stock—An act to attach Lewis county to the chancery court district of Maury—An act to charter Franklin college—An act to authorise Thomas Mabry to open a turnpike road in Warren county—An act to authorise Andley Harrison and Thomas Gardner to open and keep in repair a turnpike road across Cumberland mountain—An act to charter the Memphis Insurance company—An act build a bridge across Harpeth river, and for other purposes—Resolutions rescinding certain resolutions adopted by the General Assembly of the State of Tennessee on the 14th of November, 1839; which enrolled bills and resolutions are herewith transmitted for the signature of the Speaker of the House of Representatives.

The Speaker of this House thereupon signed said bills and resolutions.

Mr Goode from the Committee on Enrolled Bills, reported as truly enrolled the following bills and resolutions: An act to establish the county of Grundy—An act to charter the Sevier county turnpike road—An act to appoint commissioners to superintend the construction of the State House, to direct the labor of the Penitentiary to the erection of the same and thereby save the people of the State from taxation—and a resolution to attach Morgan county to the Bank district of the Bank of Tennessee at Sparta.

The Speaker of this House thereupon signed said enrolled bills and resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the Speaker thereof.

A message from the Senate, by Mr. Cœcke, their clerk :

Mr. SPEAKER: The Speaker of the Senate has signed the following enrolled bill and resolution of the House: An act to charter the Sevier county turnpike road—An act to appoint commissioners to superintend the erection of the State House, to direct the labor of the penitentiary to the erection of the same, and thereby save the State from taxation—A resolution relating to the printing of the caption of the acts and resolutions of the present Legislature, and to the printing and publication of the reports of the decisions of the supreme court, and for other purposes—An act to establish the county of Grundy—A resolution to attach Morgan county to the bank district of the Bank of Tennessee, at Sparta; which are herewith transmitted.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr Polk submitted the following resolution:

Resolved, That the House of Representatives tender their thanks to Wilkins Tannehill and John C. Mullay, for their impartiality and fidelity as reporters during the present session of the General Assembly; which was read, and the 50th rule being suspended said resolution was adopted.

The House took up a resolution of thanks to the Speaker of this House, which was read and adopted.

Mr. Tyler submitted the following resolution:

Resolved by the General Assembly of the state of Tennessee, that the Judges authorised to hold an election with the fractions taken from Davidson county to form a part of the county of Cumberland, under an act passed at this session of the Legislature, be, and they are hereby required, upon proof being made that illegal votes were received in said election, to hear proof and determine upon the legality of a contested votes given in said election, and they are hereby required to, and directed to strike from the poll book all votes that were illegally given in said election, and to deliver the poll book to the Governor after such illegal votes shall have been stricken therefrom; which was read and the 50th rule being suspended, said resolution was adopted.

Mr. Rodgers moved a reconsideration of the vote of the House, taken on yesterday, rejecting a bill from the Senate, No. . . . to amend the criminal law of this State in relation to the punishment of accessaries; which motion was disagreed to by the House.

So the House refused to reconsider said vote.

Mr Rogers, from the Select Committee, to which had been referred a resolution in relation to the decease of Maj. Henry M. Rutledge, reported that the committee had had the same under consideration and had instructed him to report the following resolutions and recommend their adoption:

Resolved, That it is with deep regret and sorrow that this General Assembly has been informed of the sudden death of our distinguished fellow citizen, Maj. Henry M. Rutledge, who departed this life at his residence, in Nashville, on the night of the 19th inst., and after a long and well spent life, and after having won from all the desired plaudits of an honest man,

Resolved, That his excellency, the Governor of the State of Ten-

messee, be requested to transmit a copy of these resolutions to Mrs. Rutledge, and to assure her of the profound respect of the two Houses of this General Assembly for her person and character—of their sincere condolence on the late afflicting dispensation of divine providence; which resolution was unanimously adopted

Ordered that the clerk acquaint the Senate therewith.

Mr. Anderson moved that a message be transmitted to the Senate requesting the re-transmission to the House of a bill from the Senate, for the benefit of owners of land through which the Hiwassee rail road runs; which motion was disagreed to by the House.

Mr. Speaker Barringer, Mr. Goode in the chair, moved a reconsideration of the vote of the House on last evening rejecting a bill from the Senate, No 234, to provide for the election of a clerk of the criminal court of Davidson county

Mr. Edwards moved the previous question, which being seconded by a majority of all the members present, the question was then taken, shall the main question be now put, which being determined in the affirmative, the question was then taken, shall the House reconsider said vote and was determined in the negative, yeas 28, nays 28.

The ayes and nays, No. 550, being called for Mr. Black, and ordered by the House, those who voted in the affirmative are,

messrs. Avery, Bledsoe, Bond, Bone, Brooks, Burrus, Carson, Cheatham, Cleaveland, Coggin, Dearing, Goode, Hamilton, Houston, Lenoir, Moore, McComan, Morris, Morrow, Richardson, Roach, Rodgers, Trice, Trimble, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Black, Bobo, Boddie, Cherry, Cross of Madison, Cross of Sullivan, Crouch, Deavenport, Edwards, Eubank, Farquharson, Fisher, Garner, Goodall, Kinney, McGinnis, Miller of Hardeman, Mulligan, Polk, Rawlings, Scott, Sherrill, Smart, Turner, Turney, Walker of Hickman, and Wann.

So the House refused to reconsider said vote.

Mr. Goode submitted the following resolution: No 200.

Resolved, by the General Assembly of the State of Tennessee, That a joint select committee wait on his Excellency the Governor and inform him that the two houses have finished their business and are now about to adjourn, and also inquire if he has any further communication to make them; which was read, and the 59th rule of the House being suspended, said resolution was adopted.

Ordered that the clerk acquaint the Senate therewith.

The Speaker thereupon appointed Messrs. Goode and Boddie as said committee on the part of the House.

Ordered that any member of this House can withdraw from the files of this House any petitions or other papers on which bills have been introduced and rejected.

On motion of Mr. Avery,

The House took up the report of the chairman of the joint select committee in relation to certain resolutions adopted by the General Assembly of 1839, presented by Mr. Cocke, January, 1844, accompanied with the following resolutions:

1st. Resolved, That the resolutions, No. 1, 2, 3, 4, and 6, adopted by the General Assembly of the State of Tennessee, on the 14th day of November, 1839, be and each of them are hereby rescinded, annulled, and for nothing held.

2d Resolved, That his Excellency the Governor be requested to transmit to each of the Senators and Representatives in the Congress of the United States from the State of Tennessee a copy of the foregoing report and resolutions.

Mr. Farquharson moved the previous question, which being seconded by a majority of all the members present the question was taken, shall the main question be now put, which being determined in the affirmative, the main question was then taken, will the House concur in said report and accompanying resolutions and was determined in the affirmative, yeas 36, nays 29.

The ayes and nays, No. 560, being called for by Mr. Polk, and ordered by the House, those who voted in the affirmative are,

Messrs. Alexander, Avery, Bond, Brooks, Burrus, Calson, Cheatham, Cleaveland, Coggin, Cross of Madison, Dearing, Goodall, Goode, Hamilton, Jourdan, Lenoir, Moore, Moorman, Morris, Rawlings, Richardson, Roach, Rodgers, Sherrill, Trice, Trimble, Tyler, Walker of Williamson, Williams, and Mr. Speaker Barringer.

Those who voted in the negative are,

Messrs. Anderson, Bobo, Black, Boddie, Cherry, Cross of Sullivan, Crouch, Edwards, Eubank, Farquharson, Fisher, Garner, Glenn, Hughes, Kinney, Lauderdale, McGinnis, Miller of Hardeman, Miller of Marshall, Polk, Scott, Smart, Trott, Turner, Turney, Walker of Hickman, and Wann.

So said report and resolutions was concurred in by the House.

Ordered that the clerk acquaint the Senate therewith.

Mr. Goode, from the Committee on Enrolments, reported as truly enrolled the following resolutions: A resolution in relation to the distribution of the revenue laws—A resolution requiring the judges who hold an election in the fraction of Davidson county to examine the poll books and strike therefrom such illegal votes.

The Speaker of this House thereupon signed said enrolled resolution.

Ordered that the clerk transmit the same to the Senate for the signature of the speaker thereof.

A message from the senate by Mr. Cocke, their clerk:

MR. SPEAKER: The senate have taken up and considered the amendments of this House to Senate's bills of the following titles: A bill to repeal so much of an act, chapter 33, section 26, passed 25th January, 1840, as allows the commissioners of common schools to apply for and receive the moneys due and apportioned in the respective districts—A bill to appoint commissioners to investigate the affairs of the Internal Improvement companies in this State, in which the State is a stockholder—A bill to incorporate the town of Woodbury, in the county of Cannon; to change the time of electing aldermen in the town Lebanon, Wilson county; and to revise the several acts establishing a turnpike road from McMinnville, in the county of Warren, to Martinsboro,

in the county of Rutherford, by way of Woodbury, and for other purposes—and A bill to change the time of holding the circuit court in Marshall and Maury counties, and for other purposes; and have concurred therein. The Senate have taken up and considered the amendments of the house to a bill from the Senate, No. 180, to authorise Thomas Mabry, of Warren county, to open a turnpike road, and upon further consideration the Senate adhere to their said nonconcurrence. The Senate have taken up and considered the following resolutions from the House: A resolution in relation to the distribution of the revenue laws: A resolution, No. 198, requiring the Judges who hold an election in the fraction of Davidson county, to examine the poll book and strike therefrom the illegal votes—A resolution reported by the Joint Select Committee appointed in relation to the decease of Major Henry M. Rutledge—And the Senate have concurred in said resolutions, and the same are herewith transmitted. The Speaker of the Senate has signed the following enrolled resolution: A resolution directory to the Secretary of State—and A resolution requiring judges who hold an election in the fraction of Davidson county to examine the poll books and strike therefrom illegal votes.

Ordered that the clerk deposite the same in the office of the Secretary of State.

Mr. Goode, from the joint select committee, submitted the following report:

The committee appointed under the resolution of the General Assembly to wait upon his excellency the Governor to inform him that the two Houses have finished their business and are about to adjourn, and also inquire if he has any further communication to make, report that they have discharged the duty assigned them under said resolution, and received for answer from his excellency, Gov. Jones, that he had no further communication to make to the General Assembly than his wishes for the health and prosperity of each and every member of the General Assembly, and their safe return to the bosom of their families, friends, and constituents.

JNO. W. GOODE, Chairman
on the part of the House.

Mr. Farguharson submitted the following resolution, No. 201:

Whereas sundry public documents are now in the hands of the printer, with directions to print the same for the use of the members of the House of Representatives, and also the day of adjournment having arrived before the delivery of the same.

Then resolved by the House of Representatives, that the Secretary of State be, and he is hereby directed to distribute, with the acts and journals, all such documents, an equal number to each Representative to be delivered at the county seat of the county where each member may reside.

Which was read, and the 59 h rule being suspended, said resolution was adopted.

The Speaker of the House announced to the House that by virtue of the power vested in the Speakers of the two houses of the General Assembly, by an act entitled "an act to appoint commissioners to in-

investigate the affairs of the respective Internal Improvement Companies in this State, in which the State owns stock; they have appointed a commissioners aforesaid, Messrs. Robert W. Powell, for the eastern division, Robert Farquharsen, for the Middle Division, and V. Sevier, of the Western Division.

A message from the Senate, by Mr. Cocke, their clerk:

MR. SPEAKER: I am directed to inform the House of Representatives that the Senate have disposed of the legislative business before them, and are now ready to adjourn *sine die*.

Mr. Bond, from the Committee on Enrollments, reported as correctly enrolled a resolution in memory of Maj. Henry M. Rutledge, a distinguished citizen of the State of Tennessee, who departed this life at his residence in the city of Nashville, on the night of the 19th January, 1844, which was signed by the Speaker of this House.

Ordered that the clerk acquaint the Senate therewith.

All the legislative business before the House having been disposed of, Mr. Speaker Barringer rose and addressed the house, as follows:

Gentlemen of the House of Representatives: The period so anxiously desired by all has at length arrived, and a termination is to be put to a session which has been marked by great devotedness, and under whose fatiguing duties the faculties of the most vivacious are ready to sink. If on assuming the duties of the chair I might have been justly chargeable with a want of feeling, I find myself on the eve of dissolving the interesting relations which have been so long and in the main, so happily subsisted between us, overwhelmed with a sensibility acutely and oppressively painful.

Gentlemen, I am more than compensated for all the fatigue and labor attendant upon the station to which your partiality raised me, by the flattering terms in which you have been pleased to express yourselves of the manner in which the duties have been discharged; and I find in this renewed expression of your kind and partial appreciation of my poor efforts, renewed obligations of gratitude.

Although, gentlemen, I cannot flatter myself that I have succeeded, to the extent of your wishes, in the discharge of the various and arduous duties of the chair, I fearlessly aver that it has been my earnest aim and effort to deserve your approval; and, if at any time, I have seemed to the most jealous, to have failed in the pledge of impartiality with which I assumed this station; I here solemnly avow my entire ignorance of the time and occasion on which I departed from its strictest fulfillment. In periods of high party division, we are apt to construe every action that militates against the accomplishment of a favorite object, into a hostile movement; and the most obdurate political adversary must surely view my actions through this prejudicial medium, to find a basis for a charge of bad faith in the performance of what was voluntarily promised.

I congratulate you, gentlemen, upon the termination of your labors here, and the prospect of a speedy re-union with your families and friends. May you have a pleasant and prosperous journey home, and find those with whom you are connected by the most endearing ties, in the possession of health and happiness.

I may confidently express the hope that your labors have not been fruitless; and although you found responsibilities awaiting you here, upon entering on your public duties, of which you had not been previously apprised, yet you have met the crisis as became men; not unmindful of the calls of duty, honor, and patriotism, and that Tennessee, is presented by you to sisters of the Union and the civilized world; not only as brave in war, but prepared and ready to discharge her civil obligations in time of peace. Thus with her escutcheon untarnished by the slightest blot, you will return to your constituents with the proud consciousness of meriting their greeting, of welcome good and faithful servant: and such greetings will constitute your richest rewards at their hands.

I beg now to be permitted, for myself and for you all collectively, to say, that if, in the progress of this long and arduous session amidst its multiplied causes of collisions and excitement, any heart burnings have been engendered, any unkind feelings awakened, and nurtured, that we mutually dismiss them, now and forever—recollecting in the progress of subsequent life, only those occasions of pleasurable, social intercourse, which have so eminently distinguished this session of the Legislature—and forgetting the ephemeral ebullitions of feeling which could not but occasionally mark the various estimates of the multiplicity of measure presented for our action, and whatever may be your several destinies in subsequent life, may each and every one of you find a kind paternal providence guarding, protecting, and sustaining you, and may we all, at length meet in that assembly where peace and happiness shall crown us evermore.

It now only remains to me to pronounce the painful separation, by declaring this House adjourned *sine die*.

And thereupon the House adjourned *sine die*.

D. L. BARRINGER, Speaker
of the House of Representatives.

Test,

S. D. MITCHELL, Clerk of the House of Representatives.